

Senator Luz Escamilla proposes the following substitute bill:

TAX MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor: Luz Escamilla

Cosponsor: Travis M. Seegmiller

LONG TITLE

General Description:

This bill modifies provisions related to tax.

Highlighted Provisions:

This bill:

- ▶ addresses the State Tax Commission's authority to provide tax collection data to counties, cities, towns, metro townships, and the military installation development authority;
- ▶ clarifies the signature requirements for the form a new owner of residential property uses to declare that the residential property qualifies for the primary residential exemption;
- ▶ amends the calculation of certain tax credits to match the applicable income tax rate;
- ▶ integrates the income tax code provisions from 2020 Third Special Session, H.B. 3003, Income Tax Revisions, into the Utah Code;
- ▶ integrates the sales tax code provisions from 2020 Fourth Special Session, H.B. 4002, Rail Fuel Sales Tax Amendments, into the Utah Code; and



25 ► makes technical corrections, including eliminating references to repealed
26 provisions, eliminating redundant or obsolete language, and updating
27 cross-references.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides retrospective operation.

32 This bill provides coordination clauses.

33 **Utah Code Sections Affected:**

34 **AMENDS:**

35 **11-41-102**, as last amended by Laws of Utah 2016, Chapter 176
36 **19-3-106**, as last amended by Laws of Utah 2018, Chapter 376
37 **26-36b-208**, as last amended by Laws of Utah 2019, Chapters 1 and 393
38 **35A-8-308**, as last amended by Laws of Utah 2017, Chapters 181 and 421
39 **35A-8-309**, as last amended by Laws of Utah 2019, Chapter 493
40 **59-1-401**, as last amended by Laws of Utah 2020, Chapter 294
41 **59-1-403**, as last amended by Laws of Utah 2020, Chapter 294
42 **59-1-403.1**, as enacted by Laws of Utah 2018, Chapter 4
43 **59-1-404**, as last amended by Laws of Utah 2018, Chapter 368
44 **59-2-103.5**, as last amended by Laws of Utah 2020, Chapter 78
45 **59-2-1007**, as last amended by Laws of Utah 2018, Chapter 368
46 **59-2-1602**, as last amended by Laws of Utah 2020, Chapter 447
47 **59-7-118**, as last amended by Laws of Utah 2019, Chapter 11
48 **59-7-159**, as last amended by Laws of Utah 2019, Chapters 247 and 465
49 **59-7-504**, as last amended by Laws of Utah 1995, Chapter 311
50 **59-7-505**, as last amended by Laws of Utah 1997, Chapter 332
51 **59-7-507**, as last amended by Laws of Utah 2007, Chapter 269
52 **59-7-610**, as last amended by Laws of Utah 2020, Chapters 82, 354, 360 and last
53 amended by Coordination Clause, Laws of Utah 2020, Chapter 360
54 **59-7-619**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
55 **59-7-620**, as last amended by Laws of Utah 2020, Chapter 46

56 **59-10-103**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 15
57 **59-10-114**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 15
58 **59-10-137**, as last amended by Laws of Utah 2019, Chapters 247 and 465
59 **59-10-507**, as last amended by Laws of Utah 2016, Chapter 87
60 **59-10-514**, as last amended by Laws of Utah 2016, Chapter 87
61 **59-10-516**, as last amended by Laws of Utah 2010, Chapter 271
62 **59-10-522**, as renumbered and amended by Laws of Utah 1987, Chapter 2
63 **59-10-1007**, as last amended by Laws of Utah 2020, Chapters 82, 354, 360 and last
64 amended by Coordination Clause, Laws of Utah 2020, Chapter 360
65 **59-10-1017**, as last amended by Laws of Utah 2017, Chapter 389
66 **59-10-1017.1**, as enacted by Laws of Utah 2017, Chapter 389
67 **59-10-1022**, as enacted by Laws of Utah 2008, Chapter 389
68 **59-10-1023**, as enacted by Laws of Utah 2008, Chapter 389
69 **59-10-1028**, as last amended by Laws of Utah 2012, Chapter 399
70 **59-10-1035**, as last amended by Laws of Utah 2017, Chapter 222
71 **59-10-1036**, as enacted by Laws of Utah 2016, Chapter 55
72 **59-10-1403**, as last amended by Laws of Utah 2017, Chapter 270
73 **59-10-1403.3**, as enacted by Laws of Utah 2017, Chapter 270
74 **59-12-102**, as last amended by Laws of Utah 2020, Chapters 354, 365, and 438
75 **59-12-103**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
76 **59-12-104**, as last amended by Laws of Utah 2020, Chapters 44, 91, 354, 412, and 438
77 **59-12-209**, as last amended by Laws of Utah 2009, Chapters 212 and 240
78 **59-12-210**, as last amended by Laws of Utah 2009, Chapter 240
79 **59-14-212**, as last amended by Laws of Utah 2007, Chapter 322
80 **62A-11-328**, as last amended by Laws of Utah 2009, Chapter 31
81 **63G-2-302**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
82 REPEALS:
83 **59-7-118.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 4
84 **59-7-504.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 4
85 **59-7-505.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 4
86 **59-7-507.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 4

87 **59-10-103.2**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 4
88 **59-10-114.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 4
89 **59-10-514.2**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 4
90 **59-10-516.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 4
91 **59-10-522.1**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 4
92 **59-10-1403.4**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 4
93 **59-12-103.3**, as enacted by Laws of Utah 2020, Fourth Special Session, Chapter 2

94 **Utah Code Sections Affected by Coordination Clause:**

95 **10-1-304**, as last amended by Laws of Utah 2012, Chapter 410
96 **10-3c-204**, as enacted by Laws of Utah 2015, Chapter 352
97 **59-12-102**, as last amended by Laws of Utah 2020, Chapters 354, 365, and 438
98 **59-12-209**, as last amended by Laws of Utah 2009, Chapters 212 and 240
99 **59-12-210**, as last amended by Laws of Utah 2009, Chapter 240

100

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

102 Section 1. Section **11-41-102** is amended to read:

103 **11-41-102. Definitions.**

104 As used in this chapter:

105 (1) "Agreement" means an oral or written agreement between a:

106 (a) (i) county; or

107 (ii) municipality; and

108 (b) person.

109 (2) "Municipality" means a:

110 (a) city;

111 (b) town; or

112 (c) metro township.

113 (3) "Payment" includes:

114 (a) a payment;

115 (b) a rebate;

116 (c) a refund; or

117 (d) an amount similar to Subsections (3)(a) through (c).

- 118 (4) "Regional retail business" means a:
- 119 (a) retail business that occupies a floor area of more than 80,000 square feet;
- 120 (b) dealer as defined in Section 41-1a-102;
- 121 (c) retail shopping facility that has at least two anchor tenants if the total number of
- 122 anchor tenants in the shopping facility occupy a total floor area of more than 150,000 square
- 123 feet; or
- 124 (d) grocery store that occupies a floor area of more than 30,000 square feet.
- 125 (5) (a) "Sales and use tax" means a tax:
- 126 (i) imposed on transactions within a:
- 127 (A) county; or
- 128 (B) municipality; and
- 129 (ii) except as provided in Subsection (5)(b), authorized under Title 59, Chapter 12,
- 130 Sales and Use Tax Act.
- 131 (b) ~~[Notwithstanding Subsection (5)(a)(ii), "sales"]~~ "Sales and use tax" does not include
- 132 a tax authorized under:
- 133 (i) Subsection 59-12-103(2)(a)(i);
- 134 (ii) Subsection 59-12-103(2)(b)(i);
- 135 (iii) Subsection 59-12-103(2)(c)(i);
- 136 (iv) Subsection 59-12-103(2)(d);
- 137 ~~[(iv)]~~ (v) Subsection 59-12-103(2)~~[(d)]~~(e)(i)(A);
- 138 ~~[(v)]~~ (vi) Section 59-12-301;
- 139 ~~[(vi)]~~ (vii) Section 59-12-352;
- 140 ~~[(vii)]~~ (viii) Section 59-12-353;
- 141 ~~[(viii)]~~ (ix) Section 59-12-603; or
- 142 ~~[(ix)]~~ (x) Section 59-12-1201.
- 143 (6) (a) "Sales and use tax incentive payment" means a payment of revenues:
- 144 (i) to a person;
- 145 (ii) by a:
- 146 (A) county; or
- 147 (B) municipality;
- 148 (iii) to induce the person to locate or relocate a regional retail business within the:

- (A) county; or
(B) municipality; and
(iv) that are derived from a sales and use tax.

(b) "Sales and use tax incentive payment" does not include funding for public infrastructure.

Section 2. Section **19-3-106** is amended to read:

19-3-106. Fee for commercial radioactive waste disposal or treatment.

(1) (a) An owner or operator of a commercial radioactive waste treatment or disposal facility that receives radioactive waste shall pay a fee as provided in Subsection (1)(b).

(b) (i) On or after July 1, 2011, the fee shall be established by the department in accordance with Section [63J-1-504](#).

(ii) In the development of a fee schedule prepared under Subsection (1)(b)(i), the department may conduct by no later than July 1, 2011, a review of the program costs and indirect costs of regulating radioactive waste in the state.

(iii) In addition to the process required by Section [63J-1-504](#), the department shall establish a fee that:

- (A) is a flat fee, not based on the amount of waste treated or disposed of;
(B) provides for reasonable and timely oversight of radioactive waste by the department; and
(C) adequately meets the needs of industry and the department, including allowing for the department to employ qualified personnel to appropriately oversee industry regulation.
(2) (a) The owner or operator shall remit the fees imposed under this section to the department on or before the 15th day of the month following the month in which the fee accrued.

(b) The department shall deposit the fees received under this section into the Environmental Quality Restricted Account created in Section [19-1-108](#).

(3) (a) The annual fee required under Subsection (1)(a) shall be reduced by the amount paid in tax annually by the owner or operator under Section [59-24-103.5](#).

(b) Beginning June 2018, the State Tax Commission shall provide annually on or before June 1 the tax information described in Subsection [59-1-403](#)~~[(3)]~~(4)(v) indicating the amount of tax paid for the previous calendar year under Section [59-24-103.5](#).

(c) The department shall apply the tax amount established in Subsection (3)(b) to reduce the fee paid during the upcoming fiscal year, beginning fiscal year 2019, by the owner or operator under Subsection (1)(a).

(4) The Legislature shall appropriate the fully burdened cost as determined by the annual fee set under Subsection (1)(b) to the Environmental Quality Restricted Account created in Section 19-1-108 from the General Fund for the regulation of radioactive waste treatment and disposal.

(5) If the Legislature fails to appropriate adequate funds to cover the fully burdened cost as determined by the annual fee set under Subsection (1)(b), the owner or operator shall pay the balance.

(6) Radioactive waste that is subject to a fee under this section is not subject to a fee under Section 19-6-119.

Section 3. Section 26-36b-208 is amended to read:

26-36b-208. Medicaid Expansion Fund.

(1) There is created an expendable special revenue fund known as the Medicaid Expansion Fund.

(2) The fund consists of:

(a) assessments collected under this chapter;

(b) intergovernmental transfers under Section 26-36b-206;

(c) savings attributable to the health coverage improvement program as determined by the department;

(d) savings attributable to the enhancement waiver program as determined by the department;

(e) savings attributable to the Medicaid waiver expansion as determined by the department;

(f) savings attributable to the inclusion of psychotropic drugs on the preferred drug list under Subsection 26-18-2.4(3) as determined by the department;

(g) revenues collected from the sales tax described in Subsection 59-12-103[(13)](12);

(h) gifts, grants, donations, or any other conveyance of money that may be made to the fund from private sources;

(i) interest earned on money in the fund; and

(j) additional amounts as appropriated by the Legislature.

(3) (a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(4) (a) A state agency administering the provisions of this chapter may use money from the fund to pay the costs, not otherwise paid for with federal funds or other revenue sources, of:

- (i) the health coverage improvement program;
- (ii) the enhancement waiver program;
- (iii) a Medicaid waiver expansion; and
- (iv) the outpatient upper payment limit supplemental payments under Section 26-36b-210.

(b) A state agency administering the provisions of this chapter may not use:

- (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper payment limit supplemental payments; or
- (ii) money in the fund for any purpose not described in Subsection (4)(a).

Section 4. Section **35A-8-308** is amended to read:

35A-8-308. Throughput Infrastructure Fund.

- (1) There is created an enterprise fund known as the Throughput Infrastructure Fund.
- (2) The fund consists of money generated from the following revenue sources:
 - (a) all amounts transferred to the fund [~~under Subsection 59-12-103(12)~~] by statute;
 - (b) any voluntary contributions received;
 - (c) appropriations made to the fund by the Legislature; and
 - (d) all amounts received from the repayment of loans made by the impact board under Section 35A-8-309.

(3) The state treasurer shall:

- (a) invest the money in the fund by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act; and
- (b) deposit all interest or other earnings derived from those investments into the fund.

Section 5. Section **35A-8-309** is amended to read:

35A-8-309. Throughput Infrastructure Fund administered by impact board -- Uses -- Review by board -- Annual report -- First project.

(1) The impact board shall:

(a) make grants and loans from the Throughput Infrastructure Fund created in Section 35A-8-308 for a throughput infrastructure project;

(b) use money transferred to the Throughput Infrastructure Fund in accordance with ~~[Subsection 59-12-103(12)]~~ statute to provide a loan or grant to finance the cost of acquisition or construction of a throughput infrastructure project to one or more local political subdivisions, including a Utah interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act;

(c) administer the Throughput Infrastructure Fund in a manner that will keep a portion of the fund revolving;

(d) determine provisions for repayment of loans;

(e) establish criteria for awarding loans and grants; and

(f) establish criteria for determining eligibility for assistance under this section.

(2) The cost of acquisition or construction of a throughput infrastructure project includes amounts for working capital, reserves, transaction costs, and other amounts determined by the impact board to be allocable to a throughput infrastructure project.

(3) The impact board may restructure or forgive all or part of a local political subdivision's or interlocal agency's obligation to repay loans for extenuating circumstances.

(4) To receive assistance under this section, a local political subdivision or an interlocal agency shall submit a formal application containing the information that the impact board requires.

(5) (a) The impact board shall:

(i) review the proposed uses of the Throughput Infrastructure Fund for a loan or grant before approving the loan or grant and may condition its approval on whatever assurances the impact board considers necessary to ensure that proceeds of the loan or grant will be used in accordance with this section;

(ii) ensure that each loan specifies terms for interest deferments, accruals, and scheduled principal repayment; and

(iii) ensure that repayment terms are evidenced by bonds, notes, or other obligations of the appropriate local political subdivision or interlocal agency issued to the impact board and payable from the net revenues of a throughput infrastructure project.

(b) An instrument described in Subsection (5)(a)(iii) may be:

- (i) non-recourse to the local political subdivision or interlocal agency; and
(ii) limited to a pledge of the net revenues from a throughput infrastructure project.

(6) (a) Subject to the restriction in Subsection (6)(b), the impact board shall allocate from the Throughput Infrastructure Fund to the board those amounts that are appropriated by the Legislature for the administration of the Throughput Infrastructure Fund.

(b) The amount described in Subsection (6)(a) may not exceed 2% of the annual receipts to the fund.

(7) The board shall include in the annual written report described in Section 35A-1-109:

(a) the number and type of loans and grants made under this section; and

(b) a list of local political subdivisions or interlocal agencies that received assistance under this section.

(8) (a) The first throughput infrastructure project considered by the impact board shall be a bulk commodities ocean terminal project.

(b) Upon receipt of an application from an interlocal agency created for the sole purpose of undertaking a throughput infrastructure project that is a bulk commodities ocean terminal project, the impact board shall:

(i) grant up to 2% of the money in the Throughput Infrastructure Fund to the interlocal agency to pay or reimburse costs incurred by the interlocal agency preliminary to its acquisition of the throughput infrastructure project; and

(ii) fund the interlocal agency's application if the application meets all criteria established by the impact board.

Section 6. Section **59-1-401** is amended to read:

59-1-401. Definitions -- Offenses and penalties -- Rulemaking authority -- Statute of limitations -- Commission authority to waive, reduce, or compromise penalty or interest.

(1) As used in this section:

(a) "Activated tax, fee, or charge" means a tax, fee, or charge with respect to which the commission:

(i) has implemented the commission's GenTax system; and

(ii) at least 30 days before implementing the commission's GenTax system as described

in Subsection (1)(a)(i), has provided notice in a conspicuous place on the commission's website stating:

(A) the date the commission will implement the GenTax system with respect to the tax, fee, or charge; and

(B) that, at the time the commission implements the GenTax system with respect to the tax, fee, or charge:

(I) a person that files a return after the due date as described in Subsection (2)(a) is subject to the penalty described in Subsection (2)(c)(ii); and

(II) a person that fails to pay the tax, fee, or charge as described in Subsection (3)(a) is subject to the penalty described in Subsection (3)(b)(ii).

(b) "Activation date for a tax, fee, or charge" means with respect to a tax, fee, or charge, the later of:

(i) the date on which the commission implements the commission's GenTax system with respect to the tax, fee, or charge; or

(ii) 30 days after the date the commission provides the notice described in Subsection (1)(a)(ii) with respect to the tax, fee, or charge.

(c) (i) Except as provided in Subsection (1)(c)(ii), "tax, fee, or charge" means:

(A) a tax, fee, or charge the commission administers under:

(I) this title;

(II) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

(III) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

(IV) Section 19-6-410.5;

(V) Section 19-6-714;

(VI) Section 19-6-805;

(VII) Section 34A-2-202;

(VIII) Section 40-6-14; or

(IX) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges; or

(B) another amount that by statute is subject to a penalty imposed under this section.

(ii) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:

(A) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;

(B) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;

(C) Chapter 2, Property Tax Act, except for Section 59-2-1309;

(D) Chapter 3, Tax Equivalent Property Act; or

(E) Chapter 4, Privilege Tax.

(d) "Unactivated tax, fee, or charge" means a tax, fee, or charge except for an activated tax, fee, or charge.

(2) (a) The due date for filing a return is:

(i) if the person filing the return is not allowed by law an extension of time for filing the return, the day on which the return is due as provided by law; or

(ii) if the person filing the return is allowed by law an extension of time for filing the return, the earlier of:

(A) the date the person files the return; or

(B) the last day of that extension of time as allowed by law.

(b) A penalty in the amount described in Subsection (2)(c) is imposed if a person files a return after the due date described in Subsection (2)(a).

(c) For purposes of Subsection (2)(b), the penalty is an amount equal to the greater of:

(i) if the return described in Subsection (2)(b) is filed with respect to an unactivated tax, fee, or charge:

(A) \$20; or

(B) 10% of the unpaid unactivated tax, fee, or charge due on the return; or

(ii) if the return described in Subsection (2)(b) is filed with respect to an activated tax, fee, or charge, beginning on the activation date for the tax, fee, or charge:

(A) \$20; or

(B) (I) 2% of the unpaid activated tax, fee, or charge due on the return if the return is filed no later than five days after the due date described in Subsection (2)(a);

(II) 5% of the unpaid activated tax, fee, or charge due on the return if the return is filed more than five days after the due date but no later than 15 days after the due date described in Subsection (2)(a); or

(III) 10% of the unpaid activated tax, fee, or charge due on the return if the return is filed more than 15 days after the due date described in Subsection (2)(a).

(d) This Subsection (2) does not apply to:

366 (i) an amended return; or
367 (ii) a return with no tax due.

368 (3) (a) A person is subject to a penalty for failure to pay a tax, fee, or charge if:
369 (i) the person files a return on or before the due date for filing a return described in
370 Subsection (2)(a), but fails to pay the tax, fee, or charge due on the return on or before that due
371 date;

372 (ii) the person:
373 (A) is subject to a penalty under Subsection (2)(b); and
374 (B) fails to pay the tax, fee, or charge due on a return within a 90-day period after the
375 due date for filing a return described in Subsection (2)(a);

376 (iii) (A) the person is subject to a penalty under Subsection (2)(b); and
377 (B) the commission estimates an amount of tax due for that person in accordance with
378 Subsection 59-1-1406(2);

379 (iv) the person:
380 (A) is mailed a notice of deficiency; and
381 (B) within a 30-day period after the day on which the notice of deficiency described in
382 Subsection (3)(a)(iv)(A) is mailed:

383 (I) does not file a petition for redetermination or a request for agency action; and
384 (II) fails to pay the tax, fee, or charge due on a return;

385 (v) (A) the commission:
386 (I) issues an order constituting final agency action resulting from a timely filed petition
387 for redetermination or a timely filed request for agency action; or
388 (II) is considered to have denied a request for reconsideration under Subsection
389 63G-4-302(3)(b) resulting from a timely filed petition for redetermination or a timely filed
390 request for agency action; and

391 (B) the person fails to pay the tax, fee, or charge due on a return within a 30-day period
392 after the date the commission:

393 (I) issues the order constituting final agency action described in Subsection
394 (3)(a)(v)(A)(I); or
395 (II) is considered to have denied the request for reconsideration described in
396 Subsection (3)(a)(v)(A)(II); or

(vi) the person fails to pay the tax, fee, or charge within a 30-day period after the date of a final judicial decision resulting from a timely filed petition for judicial review.

(b) For purposes of Subsection (3)(a), the penalty is an amount equal to the greater of:

(i) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with respect to an unactivated tax, fee, or charge:

(A) \$20; or

(B) 10% of the unpaid unactivated tax, fee, or charge due on the return; or

(ii) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with respect to an activated tax, fee, or charge, beginning on the activation date:

(A) \$20; or

(B) (I) 2% of the unpaid activated tax, fee, or charge due on the return if the activated tax, fee, or charge due on the return is paid no later than five days after the due date for filing a return described in Subsection (2)(a);

(II) 5% of the unpaid activated tax, fee, or charge due on the return if the activated tax, fee, or charge due on the return is paid more than five days after the due date for filing a return described in Subsection (2)(a) but no later than 15 days after that due date; or

(III) 10% of the unpaid activated tax, fee, or charge due on the return if the activated tax, fee, or charge due on the return is paid more than 15 days after the due date for filing a return described in Subsection (2)(a).

(4) (a) Beginning January 1, 1995, in the case of any underpayment of estimated tax or quarterly installments required by Sections 59-5-107, 59-5-207, 59-7-504, and 59-9-104, there shall be added a penalty in an amount determined by applying the interest rate provided under Section 59-1-402 plus four percentage points to the amount of the underpayment for the period of the underpayment.

(b) (i) For purposes of Subsection (4)(a), the amount of the underpayment shall be the excess of the required installment over the amount, if any, of the installment paid on or before the due date for the installment.

(ii) The period of the underpayment shall run from the due date for the installment to whichever of the following dates is the earlier:

(A) the original due date of the tax return, without extensions, for the taxable year; or

(B) with respect to any portion of the underpayment, the date on which that portion is

428 paid.

429 (iii) For purposes of this Subsection (4), a payment of estimated tax shall be credited
430 against unpaid required installments in the order in which the installments are required to be
431 paid.

432 (5) (a) Notwithstanding Subsection (2) and except as provided in Subsection (6), a
433 person allowed by law an extension of time for filing a corporate franchise or income tax return
434 under Chapter 7, Corporate Franchise and Income Taxes, or an individual income tax return
435 under Chapter 10, Individual Income Tax Act, is subject to a penalty in the amount described in
436 Subsection (5)(b) if, on or before the day on which the return is due as provided by law, not
437 including the extension of time, the person fails to pay:

438 (i) for a person filing a corporate franchise or income tax return under Chapter 7,
439 Corporate Franchise and Income Taxes, the payment required by Subsection 59-7-507(1)(b); or

440 (ii) for a person filing an individual income tax return under Chapter 10, Individual
441 Income Tax Act, the payment required by Subsection 59-10-516(2).

442 (b) For purposes of Subsection (5)(a), the penalty per month during the period of the
443 extension of time for filing the return is an amount equal to 2% of the tax due on the return,
444 unpaid as of the day on which the return is due as provided by law.

445 (6) If a person does not file a return within an extension of time allowed by Section
446 59-7-505 or 59-10-516, the person:

447 (a) is not subject to a penalty in the amount described in Subsection (5)(b); and

448 (b) is subject to a penalty in an amount equal to the sum of:

449 (i) a late file penalty in an amount equal to the greater of:

450 (A) \$20; or

451 (B) 10% of the tax due on the return, unpaid as of the day on which the return is due as
452 provided by law, not including the extension of time; and

453 (ii) a late pay penalty in an amount equal to the greater of:

454 (A) \$20; or

455 (B) 10% of the unpaid tax due on the return, unpaid as of the day on which the return is
456 due as provided by law, not including the extension of time.

457 (7) (a) Additional penalties for an underpayment of a tax, fee, or charge are as provided
458 in this Subsection (7)(a).

(i) Except as provided in Subsection (7)(c), if any portion of an underpayment of a tax, fee, or charge is due to negligence, the penalty is 10% of the portion of the underpayment that is due to negligence.

(ii) Except as provided in Subsection (7)(d), if any portion of an underpayment of a tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15% of the entire underpayment.

(iii) If any portion of an underpayment is due to an intent to evade a tax, fee, or charge, the penalty is the greater of \$500 per period or 50% of the entire underpayment.

(iv) If any portion of an underpayment is due to fraud with intent to evade a tax, fee, or charge, the penalty is the greater of \$500 per period or 100% of the entire underpayment.

(b) If the commission determines that a person is liable for a penalty imposed under Subsection (7)(a)(ii), (iii), or (iv), the commission shall notify the person of the proposed penalty.

(i) The notice of proposed penalty shall:

(A) set forth the basis of the assessment; and

(B) be mailed by certified mail, postage prepaid, to the person's last-known address.

(ii) Upon receipt of the notice of proposed penalty, the person against whom the penalty is proposed may:

(A) pay the amount of the proposed penalty at the place and time stated in the notice;

or

(B) proceed in accordance with the review procedures of Subsection (7)(b)(iii).

(iii) A person against whom a penalty is proposed in accordance with this Subsection (7) may contest the proposed penalty by filing a petition for an adjudicative proceeding with the commission.

(iv) (A) If the commission determines that a person is liable for a penalty under this Subsection (7), the commission shall assess the penalty and give notice and demand for payment.

(B) The commission shall mail the notice and demand for payment described in Subsection (7)(b)(iv)(A):

(I) to the person's last-known address; and

(II) in accordance with Section 59-1-1404.

(c) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not subject to the penalty under Subsection (7)(a)(i) if on or after July 1, 2001:

(i) a court of competent jurisdiction issues a final unappealable judgment or order determining that:

(A) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a) or is a seller required to pay or collect and remit sales and use taxes under Subsection 59-12-107(2)(b) or (2)(c); and

(B) the commission or a county, city, or town may require the seller to collect a tax under Subsections 59-12-103(2)(a) through ~~(f)~~ (e); or

(ii) the commission issues a final unappealable administrative order determining that:

(A) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a) or is a seller required to pay or collect and remit sales and use taxes under Subsection 59-12-107(2)(b) or (2)(c); and

(B) the commission or a county, city, or town may require the seller to collect a tax under Subsections 59-12-103(2)(a) through ~~(f)~~ (e).

(d) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not subject to the penalty under Subsection (7)(a)(ii) if:

(i) (A) a court of competent jurisdiction issues a final unappealable judgment or order determining that:

(I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a) or is a seller required to pay or collect and remit sales and use taxes under Subsection 59-12-107(2)(b) or (2)(c); and

(II) the commission or a county, city, or town may require the seller to collect a tax under Subsections 59-12-103(2)(a) through ~~(f)~~ (e); or

(B) the commission issues a final unappealable administrative order determining that:

(I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a) or is a seller required to pay or collect and remit sales and use taxes under Subsection 59-12-107(2)(b) or (2)(c); and

(II) the commission or a county, city, or town may require the seller to collect a tax under Subsections 59-12-103(2)(a) through ~~(f)~~ (e); and

(ii) the seller's intentional disregard of law or rule is warranted by existing law or by a

nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.

(8) (a) Subject to Subsections (8)(b) and (c), the penalty for failure to file an information return, information report, or a complete supporting schedule is \$50 for each information return, information report, or supporting schedule up to a maximum of \$1,000.

(b) If an employer is subject to a penalty under Subsection (13), the employer may not be subject to a penalty under Subsection (8)(a).

(c) If an employer is subject to a penalty under this Subsection (8) for failure to file a return in accordance with Subsection 59-10-406(3) on or before the due date described in Subsection 59-10-406(3)(b)(ii), the commission may not impose a penalty under this Subsection (8) unless the return is filed more than 14 days after the due date described in Subsection 59-10-406(3)(b)(ii).

(9) If a person, in furtherance of a frivolous position, has a prima facie intent to delay or impede administration of a law relating to a tax, fee, or charge and files a purported return that fails to contain information from which the correctness of reported tax, fee, or charge liability can be determined or that clearly indicates that the tax, fee, or charge liability shown is substantially incorrect, the penalty is \$500.

(10) (a) A seller that fails to remit a tax, fee, or charge monthly as required by Subsection 59-12-108(1)(a):

(i) is subject to a penalty described in Subsection (2); and

(ii) may not retain the percentage of sales and use taxes that would otherwise be allowable under Subsection 59-12-108(2).

(b) A seller that fails to remit a tax, fee, or charge by electronic funds transfer as required by Subsection 59-12-108(1)(a)(ii)(B):

(i) is subject to a penalty described in Subsection (2); and

(ii) may not retain the percentage of sales and use taxes that would otherwise be allowable under Subsection 59-12-108(2).

(11) (a) A person is subject to the penalty provided in Subsection (11)(c) if that person:

(i) commits an act described in Subsection (11)(b) with respect to one or more of the following documents:

(A) a return;

552 (B) an affidavit;
553 (C) a claim; or
554 (D) a document similar to Subsections (11)(a)(i)(A) through (C);
555 (ii) knows or has reason to believe that the document described in Subsection (11)(a)(i)
556 will be used in connection with any material matter administered by the commission; and
557 (iii) knows that the document described in Subsection (11)(a)(i), if used in connection
558 with any material matter administered by the commission, would result in an understatement of
559 another person's liability for a tax, fee, or charge.

560 (b) The following acts apply to Subsection (11)(a)(i):
561 (i) preparing any portion of a document described in Subsection (11)(a)(i);
562 (ii) presenting any portion of a document described in Subsection (11)(a)(i);
563 (iii) procuring any portion of a document described in Subsection (11)(a)(i);
564 (iv) advising in the preparation or presentation of any portion of a document described
565 in Subsection (11)(a)(i);
566 (v) aiding in the preparation or presentation of any portion of a document described in
567 Subsection (11)(a)(i);
568 (vi) assisting in the preparation or presentation of any portion of a document described
569 in Subsection (11)(a)(i); or
570 (vii) counseling in the preparation or presentation of any portion of a document
571 described in Subsection (11)(a)(i).

572 (c) For purposes of Subsection (11)(a), the penalty:
573 (i) shall be imposed by the commission;
574 (ii) is \$500 for each document described in Subsection (11)(a)(i) with respect to which
575 the person described in Subsection (11)(a) meets the requirements of Subsection (11)(a); and
576 (iii) is in addition to any other penalty provided by law.

577 (d) The commission may seek a court order to enjoin a person from engaging in
578 conduct that is subject to a penalty under this Subsection (11).

579 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
580 commission may make rules prescribing the documents that are similar to Subsections
581 (11)(a)(i)(A) through (C).

582 (12) (a) As provided in Section 76-8-1101, criminal offenses and penalties are as

provided in Subsections (12)(b) through (e).

(b) (i) A person who is required by this title or any laws the commission administers or regulates to register with or obtain a license or permit from the commission, who operates without having registered or secured a license or permit, or who operates when the registration, license, or permit is expired or not current, is guilty of a class B misdemeanor.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(b)(i), the penalty may not:

(A) be less than \$500; or

(B) exceed \$1,000.

(c) (i) With respect to a tax, fee, or charge, a person who knowingly and intentionally, and without a reasonable good faith basis, fails to make, render, sign, or verify a return within the time required by law or to supply information within the time required by law, or who makes, renders, signs, or verifies a false or fraudulent return or statement, or who supplies false or fraudulent information, is guilty of a third degree felony.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(c)(i), the penalty may not:

(A) be less than \$1,000; or

(B) exceed \$5,000.

(d) (i) A person who intentionally or willfully attempts to evade or defeat a tax, fee, or charge or the payment of a tax, fee, or charge is, in addition to other penalties provided by law, guilty of a second degree felony.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(d)(i), the penalty may not:

(A) be less than \$1,500; or

(B) exceed \$25,000.

(e) (i) A person is guilty of a second degree felony if that person commits an act:

(A) described in Subsection (12)(e)(ii) with respect to one or more of the following documents:

(I) a return;

(II) an affidavit;

(III) a claim; or

614 (IV) a document similar to Subsections (12)(e)(i)(A)(I) through (III); and
615 (B) subject to Subsection (12)(e)(iii), with knowledge that the document described in
616 Subsection (12)(e)(i)(A):
617 (I) is false or fraudulent as to any material matter; and
618 (II) could be used in connection with any material matter administered by the
619 commission.
620 (ii) The following acts apply to Subsection (12)(e)(i):
621 (A) preparing any portion of a document described in Subsection (12)(e)(i)(A);
622 (B) presenting any portion of a document described in Subsection (12)(e)(i)(A);
623 (C) procuring any portion of a document described in Subsection (12)(e)(i)(A);
624 (D) advising in the preparation or presentation of any portion of a document described
625 in Subsection (12)(e)(i)(A);
626 (E) aiding in the preparation or presentation of any portion of a document described in
627 Subsection (12)(e)(i)(A);
628 (F) assisting in the preparation or presentation of any portion of a document described
629 in Subsection (12)(e)(i)(A); or
630 (G) counseling in the preparation or presentation of any portion of a document
631 described in Subsection (12)(e)(i)(A).
632 (iii) This Subsection (12)(e) applies:
633 (A) regardless of whether the person for which the document described in Subsection
634 (12)(e)(i)(A) is prepared or presented:
635 (I) knew of the falsity of the document described in Subsection (12)(e)(i)(A); or
636 (II) consented to the falsity of the document described in Subsection (12)(e)(i)(A); and
637 (B) in addition to any other penalty provided by law.
638 (iv) Notwithstanding Section 76-3-301, for purposes of this Subsection (12)(e), the
639 penalty may not:
640 (A) be less than \$1,500; or
641 (B) exceed \$25,000.
642 (v) The commission may seek a court order to enjoin a person from engaging in
643 conduct that is subject to a penalty under this Subsection (12)(e).
644 (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

the commission may make rules prescribing the documents that are similar to Subsections (12)(e)(i)(A)(I) through (III).

(f) The statute of limitations for prosecution for a violation of this Subsection (12) is the later of six years:

(i) from the date the tax should have been remitted; or

(ii) after the day on which the person commits the criminal offense.

(13) (a) Subject to Subsection (13)(b), an employer that is required to file a form with the commission in accordance with Subsection 59-10-406(8) is subject to a penalty described in Subsection (13)(b) if the employer:

(i) fails to file the form with the commission in an electronic format approved by the commission as required by Subsection 59-10-406(8);

(ii) fails to file the form on or before the due date provided in Subsection 59-10-406(8);

(iii) fails to provide accurate information on the form; or

(iv) fails to provide all of the information required by the Internal Revenue Service to be contained on the form.

(b) For purposes of Subsection (13)(a), the penalty is:

(i) \$30 per form, not to exceed \$75,000 in a calendar year, if the employer files the form in accordance with Subsection 59-10-406(8), more than 14 days after the due date provided in Subsection 59-10-406(8) but no later than 30 days after the due date provided in Subsection 59-10-406(8);

(ii) \$60 per form, not to exceed \$200,000 in a calendar year, if the employer files the form in accordance with Subsection 59-10-406(8), more than 30 days after the due date provided in Subsection 59-10-406(8) but on or before June 1; or

(iii) \$100 per form, not to exceed \$500,000 in a calendar year, if the employer:

(A) files the form in accordance with Subsection 59-10-406(8) after June 1; or

(B) fails to file the form.

(14) Upon making a record of its actions, and upon reasonable cause shown, the commission may waive, reduce, or compromise any of the penalties or interest imposed under this part.

Section 7. Section 59-1-403 is amended to read:

59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.

(1) As used in this section:

(a) "Distributed tax, fee, or charge" means a tax, fee, or charge:

(i) the commission administers under:

(A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;

(B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

(C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

(D) Section [19-6-805](#);

(E) Section [63H-1-205](#); or

(F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;

and

(ii) with respect to which the commission distributes the revenue collected from the tax, fee, or charge to a qualifying jurisdiction.

(b) "Qualifying jurisdiction" means:

(i) a county, city, town, or metro township; or

(ii) the military installation development authority created in Section [63H-1-201](#).

~~[(+)]~~ (2) (a) Any of the following may not divulge or make known in any manner any information gained by that person from any return filed with the commission:

(i) a tax commissioner;

(ii) an agent, clerk, or other officer or employee of the commission; or

(iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.

(b) An official charged with the custody of a return filed with the commission is not required to produce the return or evidence of anything contained in the return in any action or proceeding in any court, except:

(i) in accordance with judicial order;

(ii) on behalf of the commission in any action or proceeding under:

(A) this title; or

(B) other law under which persons are required to file returns with the commission;

(iii) on behalf of the commission in any action or proceeding to which the commission is a party; or

(iv) on behalf of any party to any action or proceeding under this title if the report or

facts shown by the return are directly involved in the action or proceeding.

(c) Notwithstanding Subsection ~~[(1)]~~ (2)(b), a court may require the production of, and may admit in evidence, any portion of a return or of the facts shown by the return, as are specifically pertinent to the action or proceeding.

~~[(2)]~~ (3) This section does not prohibit:

(a) a person or that person's duly authorized representative from receiving a copy of any return or report filed in connection with that person's own tax;

(b) the publication of statistics as long as the statistics are classified to prevent the identification of particular reports or returns; and

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer:

(i) who brings action to set aside or review a tax based on the report or return;

(ii) against whom an action or proceeding is contemplated or has been instituted under this title; or

(iii) against whom the state has an unsatisfied money judgment.

~~[(3)]~~ (4) (a) Notwithstanding Subsection ~~[(1)]~~ (2) and for purposes of administration, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for a reciprocal exchange of information with:

(i) the United States Internal Revenue Service; or

(ii) the revenue service of any other state.

(b) Notwithstanding Subsection ~~[(1)]~~ (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, except as limited by Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal government grant substantially similar privileges to this state.

(c) Notwithstanding Subsection ~~[(1)]~~ (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of information concerning the identity and other information of taxpayers who have failed to file tax returns or

738 to pay any tax due.

739 (d) Notwithstanding Subsection ~~[(1)]~~ (2), the commission shall provide to the director
740 of the Division of Environmental Response and Remediation, as defined in Section 19-6-402,
741 as requested by the director of the Division of Environmental Response and Remediation, any
742 records, returns, or other information filed with the commission under Chapter 13, Motor and
743 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program
744 participation fee.

745 (e) Notwithstanding Subsection ~~[(1)]~~ (2), at the request of any person the commission
746 shall provide that person sales and purchase volume data reported to the commission on a
747 report, return, or other information filed with the commission under:

748 (i) Chapter 13, Part 2, Motor Fuel; or

749 (ii) Chapter 13, Part 4, Aviation Fuel.

750 (f) Notwithstanding Subsection ~~[(1)]~~ (2), upon request from a tobacco product
751 manufacturer, as defined in Section 59-22-202, the commission shall report to the
752 manufacturer:

753 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
754 manufacturer and reported to the commission for the previous calendar year under Section
755 59-14-407; and

756 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
757 manufacturer for which a tax refund was granted during the previous calendar year under
758 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

759 (g) Notwithstanding Subsection ~~[(1)]~~ (2), the commission shall notify manufacturers,
760 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
761 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

762 (h) Notwithstanding Subsection ~~[(1)]~~ (2), the commission may:

763 (i) provide to the Division of Consumer Protection within the Department of
764 Commerce and the attorney general data:

765 (A) reported to the commission under Section 59-14-212; or

766 (B) related to a violation under Section 59-14-211; and

767 (ii) upon request, provide to any person data reported to the commission under
768 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

(i) Notwithstanding Subsection ~~[(1)]~~ (2), the commission shall, at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of Management and Budget, provide to the committee or office the total amount of revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by the committee or office.

(j) Notwithstanding Subsection ~~[(1)]~~ (2), the commission shall make the directory required by Section 59-14-603 available for public inspection.

(k) Notwithstanding Subsection ~~[(1)]~~ (2), the commission may share information with federal, state, or local agencies as provided in Subsection 59-14-606(3).

(l) (i) Notwithstanding Subsection ~~[(1)]~~ (2), the commission shall provide the Office of Recovery Services within the Department of Human Services any relevant information obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer who has become obligated to the Office of Recovery Services.

(ii) The information described in Subsection ~~[(3)]~~ (4)(l)(i) may be provided by the Office of Recovery Services to any other state's child support collection agency involved in enforcing that support obligation.

(m) (i) Notwithstanding Subsection ~~[(1)]~~ (2), upon request from the state court administrator, the commission shall provide to the state court administrator, the name, address, telephone number, county of residence, and social security number on resident returns filed under Chapter 10, Individual Income Tax Act.

(ii) The state court administrator may use the information described in Subsection ~~[(3)]~~ (4)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

(n) (i) As used in this Subsection ~~[(3)]~~ (4)(n):

(A) "GOED" means the Governor's Office of Economic Development created in Section 63N-1-201.

(B) "Income tax information" means information gained by the commission that is required to be attached to or included in a return filed with the commission under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

(C) "Other tax information" means information gained by the commission that is required to be attached to or included in a return filed with the commission except for a return filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual

800 Income Tax Act.

801 (D) "Tax information" means income tax information or other tax information.

802 (ii) (A) Notwithstanding Subsection [~~(1)~~] (2) and except as provided in Subsection
803 [~~(3)~~] (4)(n)(ii)(B) or (C), the commission shall at the request of GOED provide to GOED all
804 income tax information.

805 (B) For purposes of a request for income tax information made under Subsection [~~(3)~~]
806 (4)(n)(ii)(A), GOED may not request and the commission may not provide to GOED a person's
807 address, name, social security number, or taxpayer identification number.

808 (C) In providing income tax information to GOED, the commission shall in all
809 instances protect the privacy of a person as required by Subsection [~~(3)~~] (4)(n)(ii)(B).

810 (iii) (A) Notwithstanding Subsection [~~(1)~~] (2) and except as provided in Subsection
811 [~~(3)~~] (4)(n)(iii)(B), the commission shall at the request of GOED provide to GOED other tax
812 information.

813 (B) Before providing other tax information to GOED, the commission shall redact or
814 remove any name, address, social security number, or taxpayer identification number.

815 (iv) GOED may provide tax information received from the commission in accordance
816 with this Subsection [~~(3)~~] (4)(n) only:

817 (A) as a fiscal estimate, fiscal note information, or statistical information; and

818 (B) if the tax information is classified to prevent the identification of a particular
819 return.

820 (v) (A) A person may not request tax information from GOED under Title 63G,
821 Chapter 2, Government Records Access and Management Act, or this section, if GOED
822 received the tax information from the commission in accordance with this Subsection [~~(3)~~]
823 (4)(n).

824 (B) GOED may not provide to a person that requests tax information in accordance
825 with Subsection [~~(3)~~] (4)(n)(v)(A) any tax information other than the tax information GOED
826 provides in accordance with Subsection [~~(3)~~] (4)(n)(iv).

827 (o) Notwithstanding Subsection [~~(1)~~] (2), the commission may provide to the
828 governing board of the agreement or a taxing official of another state, the District of Columbia,
829 the United States, or a territory of the United States:

830 (i) the following relating to an agreement sales and use tax:

831 (A) information contained in a return filed with the commission;
832 (B) information contained in a report filed with the commission;
833 (C) a schedule related to Subsection ~~[(3)]~~ (4)(o)(i)(A) or (B); or
834 (D) a document filed with the commission; or
835 (ii) a report of an audit or investigation made with respect to an agreement sales and
836 use tax.

837 (p) Notwithstanding Subsection ~~[(1)]~~ (2), the commission may provide information
838 concerning a taxpayer's state income tax return or state income tax withholding information to
839 the Driver License Division if the Driver License Division:
840 (i) requests the information; and
841 (ii) provides the commission with a signed release form from the taxpayer allowing the
842 Driver License Division access to the information.

843 (q) Notwithstanding Subsection ~~[(1)]~~ (2), the commission shall provide to the Utah
844 Communications Authority, or a division of the Utah Communications Authority, the
845 information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and
846 63H-7a-502.

847 (r) Notwithstanding Subsection ~~[(1)]~~ (2), the commission shall provide to the Utah
848 Educational Savings Plan information related to a resident or nonresident individual's
849 contribution to a Utah Educational Savings Plan account as designated on the resident or
850 nonresident's individual income tax return as provided under Section 59-10-1313.

851 (s) Notwithstanding Subsection ~~[(1)]~~ (2), for the purpose of verifying eligibility under
852 Sections 26-18-2.5 and 26-40-105, the commission shall provide an eligibility worker with the
853 Department of Health or its designee with the adjusted gross income of an individual if:
854 (i) an eligibility worker with the Department of Health or its designee requests the
855 information from the commission; and
856 (ii) the eligibility worker has complied with the identity verification and consent
857 provisions of Sections 26-18-2.5 and 26-40-105.

858 (t) Notwithstanding Subsection ~~[(1)]~~ (2), the commission may provide to a county, as
859 determined by the commission, information declared on an individual income tax return in
860 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption
861 authorized under Section 59-2-103.

(u) Notwithstanding Subsection [(†)] (2), the commission shall provide a report regarding any access line provider that is over 90 days delinquent in payment to the commission of amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges, to the board of the Utah Communications Authority created in Section 63H-7a-201.

(v) Notwithstanding Subsection [(†)] (2), the commission shall provide the Department of Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the previous calendar year under Section 59-24-103.5.

(w) Notwithstanding Subsection [(†)] (2), the commission may, upon request, provide to the Department of Workforce Services any information received under Chapter 10, Part 4, Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

(x) Notwithstanding Subsection [(†)] (2), the commission may provide the Public Service Commission or the Division of Public Utilities information related to a seller that collects and remits to the commission a charge described in Subsection 69-2-405(2), including the seller's identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

(y) (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying jurisdiction the collection data necessary to verify the revenue collected by the commission for a distributed tax, fee, or charge collected within the qualifying jurisdiction.

(ii) In addition to the information provided under Subsection (4)(y)(i), the commission shall provide a qualifying jurisdiction with copies of returns and other information relating to a distributed tax, fee, or charge collected within the qualifying jurisdiction.

(iii) (A) To obtain the information described in Subsection (4)(y)(ii), the chief executive officer or the chief executive officer's designee of the qualifying jurisdiction shall submit a written request to the commission that states the specific information sought and how the qualifying jurisdiction intends to use the information.

(B) The information described in Subsection (4)(y)(ii) is available only in official matters of the qualifying jurisdiction.

(iv) Information that a qualifying jurisdiction receives in response to a request under this subsection is:

(A) classified as a private record under Title 63G, Chapter 2, Government Records

893 Access and Management Act; and

894 (B) subject to the confidentiality requirements of this section.

895 ~~[(4)]~~ (5) (a) Each report and return shall be preserved for at least three years.

896 (b) After the three-year period provided in Subsection ~~[(4)]~~ (5)(a) the commission may
897 destroy a report or return.

898 ~~[(5)]~~ (6) (a) Any individual who violates this section is guilty of a class A
899 misdemeanor.

900 (b) If the individual described in Subsection ~~[(5)]~~ (6)(a) is an officer or employee of the
901 state, the individual shall be dismissed from office and be disqualified from holding public
902 office in this state for a period of five years thereafter.

903 (c) Notwithstanding Subsection ~~[(5)]~~ (6)(a) or (b), GOED, when requesting
904 information in accordance with Subsection ~~[(3)]~~ (4)(n)(iii), or an individual who requests
905 information in accordance with Subsection ~~[(3)]~~ (4)(n)(v):

906 (i) is not guilty of a class A misdemeanor; and

907 (ii) is not subject to:

908 (A) dismissal from office in accordance with Subsection ~~[(5)]~~ (6)(b); or

909 (B) disqualification from holding public office in accordance with Subsection ~~[(5)]~~
910 (6)(b).

911 ~~[(6)]~~ (7) Except as provided in Section 59-1-404, this part does not apply to the
912 property tax.

913 Section 8. Section 59-1-403.1 is amended to read:

914 **59-1-403.1. Disclosure of return information.**

915 (1) As used in this section:

916 (a) "Office" means:

917 (i) the Office of the Legislative Fiscal Analyst, established in Section 36-12-13;

918 (ii) the Office of Legislative Research and General Counsel, established in Section
919 36-12-12; or

920 (iii) the Governor's Office of Management and Budget, created in Section 63J-4-201.

921 (b) (i) "Return information" means information gained by the commission that is
922 required to be attached to or included in a return filed with the commission.

923 (ii) "Return information" does not include information that the commission is

prohibited from disclosing by federal law, federal regulation, or federal publication.

(2) (a) Notwithstanding Subsection ~~59-1-403~~~~(+)~~(2), the commission, at the request of an office, shall provide to the office all return information with the items described in Subsection (2)(b) removed.

(b) For purposes of a request for return information made under Subsection (2)(a), the commission shall redact or remove any name, address, social security number, or taxpayer identification number.

(3) (a) An office may disclose return information received from the commission in accordance with this section only:

(i) (A) as a fiscal estimate, fiscal note information, or statistical information; and

(B) in a manner that reasonably protects the identification of a particular taxpayer; or

(ii) to another office.

(b) A person may not request return information, other than the return information that the office discloses in accordance with Subsection (3)(a), from an office under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if that office received the return information from the commission in accordance with this section.

(c) An office may not disclose to a person that requests return information any return information other than the return information that the office discloses in accordance with Subsection (3)(a).

(4) Any individual who violates Subsection (3)(a):

(a) is guilty of a class A misdemeanor; and

(b) shall be:

(i) dismissed from office; and

(ii) disqualified from holding public office in this state for a period of five years after dismissal.

(5) (a) An office and the commission may enter into an agreement specifying the procedures for accessing, storing, and destroying return information requested in accordance with this section.

(b) An office's access to return information is governed by this section, and except as provided in Subsection (5)(a), may not be limited by any agreement.

Section 9. Section ~~59-1-404~~ is amended to read:

59-1-404. Definitions -- Confidentiality of commercial information obtained from a property taxpayer or derived from the commercial information -- Rulemaking authority -- Exceptions -- Written explanation -- Signature requirements -- Retention of signed explanation by employer -- Penalty.

(1) As used in this section:

(a) "Appraiser" means an individual who holds an appraiser's certificate or license issued by the Division of Real Estate under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act and includes an individual associated with an appraiser who assists the appraiser in preparing an appraisal.

(b) "Appraisal" is as defined in Section 61-2g-102.

(c) (i) "Commercial information" means:

(A) information of a commercial nature obtained from a property taxpayer regarding the property taxpayer's property; or

(B) information derived from the information described in this Subsection (1)(c)(i).

(ii) (A) "Commercial information" does not include information regarding a property taxpayer's property if the information is intended for public use.

(B) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for purposes of Subsection (1)(c)(ii)(A), the commission may by rule prescribe the circumstances under which information is intended for public use.

(d) "Consultation service" is as defined in Section 61-2g-102.

(e) "Locally assessed property" means property that is assessed by a county assessor in accordance with Chapter 2, Part 3, County Assessment.

(f) "Property taxpayer" means a person that:

(i) is a property owner; or

(ii) has in effect a contract with a property owner to:

(A) make filings on behalf of the property owner;

(B) process appeals on behalf of the property owner; or

(C) pay a tax under Chapter 2, Property Tax Act, on the property owner's property.

(g) "Property taxpayer's property" means property with respect to which a property taxpayer:

(i) owns the property;

- 986 (ii) makes filings relating to the property;
- 987 (iii) processes appeals relating to the property; or
- 988 (iv) pays a tax under Chapter 2, Property Tax Act, on the property.
- 989 (h) "Protected commercial information" means commercial information that:
- 990 (i) identifies a specific property taxpayer; or
- 991 (ii) would reasonably lead to the identity of a specific property taxpayer.
- 992 (2) An individual listed under Subsection 59-1-403~~(1)~~(2)(a) may not disclose
- 993 commercial information:
- 994 (a) obtained in the course of performing any duty that the individual listed under
- 995 Subsection 59-1-403~~(1)~~(2)(a) performs under Chapter 2, Property Tax Act; or
- 996 (b) relating to an action or proceeding:
- 997 (i) with respect to a tax imposed on property in accordance with Chapter 2, Property
- 998 Tax Act; and
- 999 (ii) that is filed in accordance with:
- 1000 (A) this chapter;
- 1001 (B) Chapter 2, Property Tax Act; or
- 1002 (C) this chapter and Chapter 2, Property Tax Act.
- 1003 (3) (a) Notwithstanding Subsection (2) and subject to Subsection (3)(c), an individual
- 1004 listed under Subsection 59-1-403~~(1)~~(2)(a) may disclose the following information:
- 1005 (i) the assessed value of property;
- 1006 (ii) the tax rate imposed on property;
- 1007 (iii) a legal description of property;
- 1008 (iv) the physical description or characteristics of property, including a street address or
- 1009 parcel number for the property;
- 1010 (v) the square footage or acreage of property;
- 1011 (vi) the square footage of improvements on property;
- 1012 (vii) the name of a property taxpayer;
- 1013 (viii) the mailing address of a property taxpayer;
- 1014 (ix) the amount of a property tax:
- 1015 (A) assessed on property;
- 1016 (B) due on property;

1017 (C) collected on property;
 1018 (D) abated on property; or
 1019 (E) deferred on property;
 1020 (x) the amount of the following relating to property taxes due on property:
 1021 (A) interest;
 1022 (B) costs; or
 1023 (C) other charges;
 1024 (xi) the tax status of property, including:
 1025 (A) an exemption;
 1026 (B) a property classification;
 1027 (C) a bankruptcy filing; or
 1028 (D) whether the property is the subject of an action or proceeding under this title;
 1029 (xii) information relating to a tax sale of property; or
 1030 (xiii) information relating to single-family residential property.
 1031 (b) Notwithstanding Subsection (2) and subject to Subsection (3)(c), an individual
 1032 listed under Subsection 59-1-403~~(1)~~(2)(a) shall disclose, upon request, the information
 1033 described in Subsection 59-2-1007(9).
 1034 (c) (i) Subject to Subsection (3)(c)(ii), a person may receive the information described
 1035 in Subsection (3)(a) or (b) in written format.
 1036 (ii) The following may charge a reasonable fee to cover the actual cost of providing the
 1037 information described in Subsection (3)(a) or (b) in written format:
 1038 (A) the commission;
 1039 (B) a county;
 1040 (C) a city; or
 1041 (D) a town.
 1042 (4) (a) Notwithstanding Subsection (2) and except as provided in Subsection (4)(c), an
 1043 individual listed under Subsection 59-1-403~~(1)~~(2)(a) shall disclose commercial information:
 1044 (i) in accordance with judicial order;
 1045 (ii) on behalf of the commission in any action or proceeding:
 1046 (A) under this title;
 1047 (B) under another law under which a property taxpayer is required to disclose

1048 commercial information; or
1049 (C) to which the commission is a party;
1050 (iii) on behalf of any party to any action or proceeding under this title if the commercial
1051 information is directly involved in the action or proceeding; or
1052 (iv) if the requirements of Subsection (4)(b) are met, that is:
1053 (A) relevant to an action or proceeding:
1054 (I) filed in accordance with this title; and
1055 (II) involving property; or
1056 (B) in preparation for an action or proceeding involving property.
1057 (b) Commercial information shall be disclosed in accordance with Subsection
1058 (4)(a)(iv):
1059 (i) if the commercial information is obtained from:
1060 (A) a real estate agent if the real estate agent is not a property taxpayer of the property
1061 that is the subject of the action or proceeding;
1062 (B) an appraiser if the appraiser:
1063 (I) is not a property taxpayer of the property that is the subject of the action or
1064 proceeding; and
1065 (II) did not receive the commercial information pursuant to Subsection (8);
1066 (C) a property manager if the property manager is not a property taxpayer of the
1067 property that is the subject of the action or proceeding; or
1068 (D) a property taxpayer other than a property taxpayer of the property that is the subject
1069 of the action or proceeding;
1070 (ii) regardless of whether the commercial information is disclosed in more than one
1071 action or proceeding; and
1072 (iii) (A) if a county board of equalization conducts the action or proceeding, the county
1073 board of equalization takes action to provide that any commercial information disclosed during
1074 the action or proceeding may not be disclosed by any person conducting or participating in the
1075 action or proceeding except as specifically allowed by this section;
1076 (B) if the commission conducts the action or proceeding, the commission enters a
1077 protective order or, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1078 Act, makes rules specifying that any commercial information disclosed during the action or

proceeding may not be disclosed by any person conducting or participating in the action or proceeding except as specifically allowed by this section; or

(C) if a court of competent jurisdiction conducts the action or proceeding, the court enters a protective order specifying that any commercial information disclosed during the action or proceeding may not be disclosed by any person conducting or participating in the action or proceeding except as specifically allowed by this section.

(c) Notwithstanding Subsection (4)(a), a court may require the production of, and may admit in evidence, commercial information that is specifically pertinent to the action or proceeding.

(5) Notwithstanding Subsection (2), this section does not prohibit:

(a) the following from receiving a copy of any commercial information relating to the basis for assessing a tax that is charged to a property taxpayer:

(i) the property taxpayer;

(ii) a duly authorized representative of the property taxpayer;

(iii) a person that has in effect a contract with the property taxpayer to:

(A) make filings on behalf of the property taxpayer;

(B) process appeals on behalf of the property taxpayer; or

(C) pay a tax under Chapter 2, Property Tax Act, on the property taxpayer's property;

(iv) a property taxpayer that purchases property from another property taxpayer; or

(v) a person that the property taxpayer designates in writing as being authorized to receive the commercial information;

(b) the publication of statistics as long as the statistics are classified to prevent the identification of a particular property taxpayer's commercial information; or

(c) the inspection by the attorney general or other legal representative of the state or a legal representative of a political subdivision of the state of the commercial information of a property taxpayer:

(i) that brings action to set aside or review a tax or property valuation based on the commercial information;

(ii) against which an action or proceeding is contemplated or has been instituted under this title; or

(iii) against which the state or a political subdivision of the state has an unsatisfied

1110 money judgment.

1111 (6) Notwithstanding Subsection (2), in accordance with Title 63G, Chapter 3, Utah
1112 Administrative Rulemaking Act, the commission may by rule establish standards authorizing
1113 an individual listed under Subsection 59-1-403[(+)](2)(a) to disclose commercial information:

1114 (a) (i) in a published decision; or

1115 (ii) in carrying out official duties; and

1116 (b) if that individual listed under Subsection 59-1-403[(+)](2)(a) consults with the
1117 property taxpayer that provided the commercial information.

1118 (7) Notwithstanding Subsection (2):

1119 (a) an individual listed under Subsection 59-1-403[(+)](2)(a) may share commercial
1120 information with the following:

1121 (i) another individual listed in Subsection 59-1-403[(+)](2)(a)(i) or (ii); or

1122 (ii) a representative, agent, clerk, or other officer or employee of a county as required
1123 to fulfill an obligation created by Chapter 2, Property Tax Act;

1124 (b) an individual listed under Subsection 59-1-403[(+)](2)(a) may perform the
1125 following to fulfill an obligation created by Chapter 2, Property Tax Act:

1126 (i) publish notice;

1127 (ii) provide notice; or

1128 (iii) file a lien; or

1129 (c) the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah
1130 Administrative Rulemaking Act, share commercial information gathered from returns and other
1131 written statements with the federal government, any other state, any of the political
1132 subdivisions of another state, or any political subdivision of this state, if these political
1133 subdivisions or the federal government grant substantially similar privileges to this state.

1134 (8) Notwithstanding Subsection (2):

1135 (a) subject to the limitations in this section, an individual described in Subsection
1136 59-1-403[(+)](2)(a) may share the following commercial information with an appraiser:

1137 (i) the sales price of locally assessed property and the related financing terms;

1138 (ii) capitalization rates and related rates and ratios related to the valuation of locally
1139 assessed property; and

1140 (iii) income and expense information related to the valuation of locally assessed

1141 property; and

1142 (b) except as provided in Subsection (4), an appraiser who receives commercial

1143 information:

1144 (i) may disclose the commercial information:

1145 (A) to an individual described in Subsection 59-1-403~~(1)~~(2)(a);

1146 (B) to an appraiser;

1147 (C) in an appraisal if protected commercial information is removed to protect its

1148 confidential nature; or

1149 (D) in performing a consultation service if protected commercial information is not

1150 disclosed; and

1151 (ii) may not use the commercial information:

1152 (A) for a purpose other than to prepare an appraisal or perform a consultation service;

1153 or

1154 (B) for a purpose intended to be, or which could reasonably be foreseen to be,

1155 anti-competitive to a property taxpayer.

1156 (9) (a) The commission shall:

1157 (i) prepare a written explanation of this section; and

1158 (ii) make the written explanation described in Subsection (9)(a)(i) available to the

1159 public.

1160 (b) An employer of a person described in Subsection 59-1-403~~(1)~~(2)(a) shall:

1161 (i) provide the written explanation described in Subsection (9)(a)(i) to each person

1162 described in Subsection 59-1-403~~(1)~~(2)(a) who is reasonably likely to receive commercial

1163 information;

1164 (ii) require each person who receives a written explanation in accordance with

1165 Subsection (9)(b)(i) to:

1166 (A) read the written explanation; and

1167 (B) sign the written explanation; and

1168 (iii) retain each written explanation that is signed in accordance with Subsection

1169 (9)(b)(ii) for a time period:

1170 (A) beginning on the day on which a person signs the written explanation in

1171 accordance with Subsection (9)(b)(ii); and

(B) ending six years after the day on which the employment of the person described in Subsection (9)(b)(iii)(A) by the employer terminates.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall by rule define "employer."

(10) (a) An individual described in Subsection (1)(a) or 59-1-403~~(1)~~(2)(a), or an individual that violates a protective order or similar limitation entered pursuant to Subsection (4)(b)(iii), is guilty of a class A misdemeanor if that person:

(i) intentionally discloses commercial information in violation of this section; and

(ii) knows that the disclosure described in Subsection (10)(a)(i) is prohibited by this section.

(b) If the individual described in Subsection (10)(a) is an officer or employee of the state or a county and is convicted of violating this section, the individual shall be dismissed from office and be disqualified from holding public office in this state for a period of five years thereafter.

(c) If the individual described in Subsection (10)(a) is an appraiser, the appraiser shall forfeit any certification or license received under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act, for a period of five years.

(d) If the individual described in Subsection (10)(a) is an individual associated with an appraiser who assists the appraiser in preparing appraisals, the individual shall be prohibited from becoming licensed or certified under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act, for a period of five years.

Section 10. Section 59-2-103.5 is amended to read:

**59-2-103.5. Procedures to obtain an exemption for residential property --
Procedure if property owner or property no longer qualifies to receive a residential exemption.**

(1) Subject to Subsection (8), for residential property other than part-year residential property, a county legislative body may adopt an ordinance that requires an owner to file an application with the county board of equalization before a residential exemption under Section 59-2-103 may be applied to the value of the residential property if:

(a) the residential property was ineligible for the residential exemption during the calendar year immediately preceding the calendar year for which the owner is seeking to have

1203 the residential exemption applied to the value of the residential property;

1204 (b) an ownership interest in the residential property changes; or

1205 (c) the county board of equalization determines that there is reason to believe that the

1206 residential property no longer qualifies for the residential exemption.

1207 (2) (a) The application described in Subsection (1):

1208 (i) shall be on a form the commission prescribes by rule and makes available to the

1209 counties;

1210 (ii) shall be signed by the owner of the residential property; and

1211 (iii) may not request the sales price of the residential property.

1212 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1213 commission may make rules prescribing the contents of the form described in Subsection

1214 (2)(a).

1215 (c) For purposes of the application described in Subsection (1), a county may not

1216 request information from an owner of a residential property beyond the information provided in

1217 the form prescribed by the commission under this Subsection (2).

1218 (3) (a) Regardless of whether a county legislative body adopts an ordinance described

1219 in Subsection (1), before a residential exemption may be applied to the value of part-year

1220 residential property, an owner of the property shall:

1221 (i) file the application described in Subsection (2)(a) with the county board of

1222 equalization; and

1223 (ii) include as part of the application described in Subsection (2)(a) a statement that

1224 certifies:

1225 (A) the date the part-year residential property became residential property;

1226 (B) that the part-year residential property will be used as residential property for 183 or

1227 more consecutive calendar days during the calendar year for which the owner seeks to obtain

1228 the residential exemption; and

1229 (C) that the owner, or a member of the owner's household, may not claim a residential

1230 exemption for any property for the calendar year for which the owner seeks to obtain the

1231 residential exemption, other than the part-year residential property, or as allowed under Section

1232 [59-2-103](#) with respect to the primary residence or household furnishings, furniture, and

1233 equipment of the owner's tenant.

(b) An owner may not obtain a residential exemption for part-year residential property unless the owner files an application under this Subsection (3) on or before November 30 of the calendar year for which the owner seeks to obtain the residential exemption.

(c) If an owner files an application under this Subsection (3) on or after May 1 of the calendar year for which the owner seeks to obtain the residential exemption, the county board of equalization may require the owner to pay an application fee of not to exceed \$50.

(4) Except as provided in Subsection (5), if a property owner no longer qualifies to receive a residential exemption authorized under Section 59-2-103 for the property owner's primary residence, the property owner shall:

(a) file a written statement with the county board of equalization of the county in which the property is located:

(i) on a form provided by the county board of equalization; and

(ii) notifying the county board of equalization that the property owner no longer qualifies to receive a residential exemption authorized under Section 59-2-103 for the property owner's primary residence; and

(b) declare on the property owner's individual income tax return under Chapter 10, Individual Income Tax Act, for the taxable year for which the property owner no longer qualifies to receive a residential exemption authorized under Section 59-2-103 for the property owner's primary residence, that the property owner no longer qualifies to receive a residential exemption authorized under Section 59-2-103 for the property owner's primary residence.

(5) A property owner is not required to file a written statement or make the declaration described in Subsection (4) if the property owner:

(a) changes primary residences;

(b) qualified to receive a residential exemption authorized under Section 59-2-103 for the residence that was the property owner's former primary residence; and

(c) qualifies to receive a residential exemption authorized under Section 59-2-103 for the residence that is the property owner's current primary residence.

(6) Subsections (2) through (5) do not apply to qualifying exempt primary residential rental personal property.

(7) (a) Subject to Subsection (8), for the first calendar year in which a property owner qualifies to receive a residential exemption under Section 59-2-103, a county assessor may

require the property owner to file a signed statement described in Section 59-2-306.

(b) Subject to Subsection (8) and notwithstanding Section 59-2-306, for a calendar year after the calendar year described in Subsection (7)(a) in which a property owner qualifies for an exemption described in Subsection 59-2-1115(2) for qualifying exempt primary residential rental personal property, a signed statement described in Section 59-2-306 with respect to the qualifying exempt primary residential rental personal property may only require the property owner to certify, under penalty of perjury, that the property owner qualifies for the exemption under Subsection 59-2-1115(2).

(8) (a) Subject to the requirements of this Subsection (8) and except as provided in Subsection (8)(b), on or before May 1, 2020, a county assessor shall:

(i) notify each owner of residential property that the owner is required to submit a written declaration described in Subsection (8)(d) within 30 days after the day on which the county assessor mails the notice under this Subsection (8)(a); and

(ii) provide each owner with a form described in Subsection (8)(e) to make the written declaration described in Subsection (8)(d).

(b) A county assessor is not required to provide a notice to an owner of residential property under Subsection (8)(a) if the situs address of the residential property is the same as any one of the following:

(i) the mailing address of the residential property owner or the tenant of the residential property;

(ii) the address listed on the:

(A) residential property owner's driver license; or

(B) tenant of the residential property's driver license; or

(iii) the address listed on the:

(A) residential property owner's voter registration; or

(B) tenant of the residential property's voter registration.

(c) After an ownership interest in residential property changes, the county assessor shall:

(i) notify the owner of the residential property that the owner is required to submit a written declaration described in Subsection (8)(d) within 90 days after the day on which the owner receives notice under this Subsection (8)(c); and

(ii) provide the owner of the residential property with the form described in Subsection (8)(e) to make the written declaration described in Subsection (8)(d).

(d) An owner of residential property that receives a notice described in Subsection (8)(a) or (c) shall submit a written declaration to the county assessor under penalty of perjury certifying the information contained in the form provided in Subsection (8)(e).

(e) The written declaration required by Subsection (8)(d) shall be:

(i) signed by the owner of the residential property; and

(ii) in substantially the following form:

"Residential Property Declaration

This form must be submitted to the County Assessor's office where your new residential property is located within 90 days of receipt. Failure to do so will result in the county assessor taking action that could result in the withdrawal of the primary residential exemption from your residential property.

Residential Property Owner Information

Name(s): _____

Home Phone: _____

Work Phone: _____

Mailing Address: _____

Residential Property Information

Physical Address: _____

Certification

1. Is this property used as a primary residential property or part-year residential property for you or another person?

"Part-year residential property" means owned property that is not residential property on January 1 of a calendar year but becomes residential property after January 1 of the calendar year.

Yes No

2. Will this primary residential property or part-year residential property be occupied for 183 or more consecutive calendar days by the owner or another person?

A part-year residential property occupied for 183 or more consecutive calendar days in a calendar year by the owner(s) or a tenant is eligible for the exemption.

1327 Yes No

1328 If a property owner or a property owner's spouse claims a residential exemption under
1329 Utah Code Ann. § 59-2-103 for property in this state that is the primary residence of the
1330 property owner or the property owner's spouse, that claim of a residential exemption creates a
1331 rebuttable presumption that the property owner and the property owner's spouse have domicile
1332 in Utah for income tax purposes. The rebuttable presumption of domicile does not apply if the
1333 residential property is the primary residence of a tenant of the property owner or the property
1334 owner's spouse.

1335 Signature

1336 ~~[This form must be signed by all owners of the property.]~~

1337 Under penalties of perjury, I declare to the best of my knowledge and belief, this
1338 declaration and accompanying pages are true, correct, and complete.

1339 _____(Owner signature) _____Date (mm/dd/yyyy)

1340 _____(Owner printed name)"

1341 (f) For purposes of a written declaration described in this Subsection (8), a county may
1342 not request information from a property owner beyond the information described in the form
1343 provided in Subsection (8)(e).

1344 (g) (i) If, after receiving a written declaration filed under Subsection (8)(d), the county
1345 determines that the property has been incorrectly qualified or disqualified to receive a
1346 residential exemption, the county shall:

1347 (A) redetermine the property's qualification to receive a residential exemption; and

1348 (B) notify the claimant of the redetermination and its reason for the redetermination.

1349 (ii) The redetermination provided in Subsection (8)(g)(i)(A) is final unless appealed
1350 within 30 days after the notice required by Subsection (8)(g)(i)(B).

1351 (h) (i) If a residential property owner fails to file a written declaration required by
1352 Subsection (8)(d), the county assessor shall mail to the owner of the residential property a
1353 notice that:

1354 (A) the property owner failed to file a written declaration as required by Subsection
1355 (8)(d); and

1356 (B) the property owner will no longer qualify to receive the residential exemption
1357 authorized under Section 59-2-103 for the property that is the subject of the written declaration

if the property owner does not file the written declaration required by Subsection (8)(d) within 30 days after the day on which the county assessor mails the notice under this Subsection (8)(h)(i).

(ii) If a property owner fails to file a written declaration required by Subsection (8)(d) after receiving the notice described in Subsection (8)(h)(i), the property owner no longer qualifies to receive the residential exemption authorized under Section 59-2-103 in the calendar year for the property that is the subject of the written declaration.

(iii) A property owner that is disqualified to receive the residential exemption under Subsection (8)(h)(ii) may file an application described in Subsection (1) to determine whether the owner is eligible to receive the residential exemption.

(i) The requirements of this Subsection (8) do not apply to a county assessor in a county that has, for the five calendar years prior to 2019, had in place and enforced an ordinance described in Subsection (1).

Section 11. Section 59-2-1007 is amended to read:

59-2-1007. Objection to assessment by commission -- Application -- Contents of application -- Amending an application -- Information provided by the commission -- Hearings -- Appeals.

(1) (a) Subject to the other provisions of this section, if the owner of property assessed by the commission objects to the assessment, the owner may apply to the commission for a hearing on the objection on or before the later of:

(i) August 1; or

(ii) 90 days after the day on which the commission mails the notice of assessment in accordance with Section 59-2-201.

(b) The commission shall allow an owner that meets the requirements of Subsection (1)(a) to be a party at a hearing under this section.

(2) Subject to the other provisions of this section, a county that objects to the assessment of property assessed by the commission may apply to the commission for a hearing on the objection:

(a) for an assessment with respect to which the owner has applied to the commission for a hearing on the objection under Subsection (1), if the county applies to the commission to become a party to the hearing on the objection no later than 60 days after the day on which the

1389 owner applied to the commission for the hearing on the objection; or

1390 (b) for an assessment with respect to which the owner has not applied to the
1391 commission for a hearing on the objection under Subsection (1), if the county:

1392 (i) reasonably believes that the commission should have assessed the property for the
1393 current calendar year at a fair market value that is at least the lesser of an amount that is:

1394 (A) 50% greater than the value at which the commission is assessing the property for
1395 the current calendar year; or

1396 (B) 50% greater than the value at which the commission assessed the property for the
1397 prior calendar year; and

1398 (ii) applies to the commission for a hearing on the objection no later than 60 days after
1399 the last day on which the owner could have applied to the commission for a hearing on the
1400 objection under Subsection (1).

1401 (3) Before a county may apply to the commission for a hearing under this section on an
1402 objection to an assessment, a majority of the members of the county legislative body shall
1403 approve filing an application under this section.

1404 (4) (a) The commission shall allow a county that meets the requirements of
1405 Subsections (2) and (3) to be a party at a hearing under this section.

1406 (b) The commission shall allow an owner to be a party at a hearing under this section
1407 on an objection to an assessment a county files in accordance with Subsection (2)(b).

1408 (5) An owner or a county shall include in an application under this section:

1409 (a) a written statement:

1410 (i) setting forth the known facts and legal basis supporting a different fair market value
1411 than the value assessed by the commission; and

1412 (ii) for an assessment described in Subsection (2)(b), establishing the county's
1413 reasonable belief that the commission should have assessed the property for the current
1414 calendar year at a fair market value that is at least the lesser of an amount that is:

1415 (A) 50% greater than the value at which the commission is assessing the property for
1416 the current calendar year; or

1417 (B) 50% greater than the value at which the commission assessed the property for the
1418 prior calendar year; and

1419 (b) the owner's or county's estimate of the fair market value of the property.

1420 (6) (a) Except as provided in Subsection (6)(b), an owner or a county assessor may
1421 amend an estimate on an application under this section of the fair market value of the property
1422 prior to the hearing as provided by rule.

1423 (b) A county may not amend the fair market value of property under this Subsection (6)
1424 to equal an amount that is less than the lesser of:

1425 (i) the value at which the commission is assessing the property for the current calendar
1426 year plus 50%; or

1427 (ii) the value at which the commission assessed the property for the prior calendar year
1428 plus 50%.

1429 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1430 commission may make rules governing the procedures for amending an estimate of fair market
1431 value under this Subsection (6).

1432 (7) In applying to the commission for a hearing on an objection under this section:

1433 (a) a county may estimate the fair market value of the property using a valuation
1434 methodology the county considers to be appropriate, regardless of:

1435 (i) the valuation methodology used previously in valuing the property; or

1436 (ii) the valuation methodology an owner asserts; and

1437 (b) an owner may estimate the fair market value of the property using a valuation
1438 methodology the owner considers to be appropriate, regardless of:

1439 (i) the valuation methodology used previously in valuing the property; or

1440 (ii) the valuation methodology a county asserts.

1441 (8) (a) An owner who applies to the commission for a hearing in accordance with
1442 Subsection (1) shall, for the property for which the owner objects to the commission's
1443 assessment, file a copy of the application with the county auditor of each county in which the
1444 property is located.

1445 (b) A county auditor who receives a copy of an application in accordance with
1446 Subsection (8)(a) shall provide a copy of the application to the county:

1447 (i) assessor;

1448 (ii) attorney;

1449 (iii) legislative body; and

1450 (iv) treasurer.

(9) (a) Upon request, the commission shall provide to a nonprofit organization that represents counties in the state the following information regarding an appeal filed under this section:

- (i) the name of the property owner filing the appeal;
- (ii) each year at issue in the appeal;
- (iii) the value assessed by the commission for the property that is the subject of the appeal; and
- (iv) the owner's estimate of value for the property that is the subject of the appeal as submitted under Subsection (5)(b).

(b) (i) Except as provided in Subsection (9)(b)(ii), a nonprofit organization may not disclose the information described in Subsection (9)(a)(iv).

(ii) A nonprofit organization may disclose information described in Subsection (9)(a)(iv) to an individual listed under Subsection 59-1-403[(+)](2)(a).

(10) (a) On or before November 15, the commission shall conduct a scheduling conference with all parties to a hearing under this section.

(b) At the scheduling conference under Subsection (10)(a), the commission shall establish dates for:

- (i) the completion of discovery;
- (ii) the filing of prehearing motions; and
- (iii) conducting a hearing on the objection to the assessment.

(11) (a) The commission shall issue a written decision no later than 120 days after the later of the day on which:

- (i) the commission completes the hearing under this section; or
- (ii) the parties submit all posthearing briefs.

(b) If the commission does not issue a written decision on an objection to an assessment under this section within a two-year period after the date an application under this section is filed, the objection is considered to be denied, unless the parties stipulate to a different time period for resolving the objection.

(c) A party may appeal to the district court in accordance with Section 59-1-601 within 30 days after the day on which an objection is considered to be denied.

(12) At the hearing on an objection under this section, the commission may increase,

1482 lower, or sustain the assessment if:

1483 (a) the commission finds an error in the assessment; or

1484 (b) the commission determines that increasing, lowering, or sustaining the assessment
1485 is necessary to equalize the assessment with other similarly assessed property.

1486 (13) (a) The commission shall send notice of a commission action under Subsection
1487 (12) to a county auditor if:

1488 (i) the commission proposes to adjust an assessment the commission made in
1489 accordance with Section 59-2-201;

1490 (ii) the county's tax revenues may be affected by the commission's decision; and

1491 (iii) the county is not a party to the hearing under this section.

1492 (b) The written notice described in Subsection (13)(a):

1493 (i) may be sent by:

1494 (A) any form of electronic communication;

1495 (B) first class mail; or

1496 (C) private carrier; and

1497 (ii) shall request the county to show good cause why the commission should not adjust
1498 the assessment by requesting the county to provide to the commission a written statement
1499 setting forth the known facts and legal basis for not adjusting the assessment within 30 days
1500 after the day on which the commission sends the written notice.

1501 (c) If a county provides a written statement described in Subsection (13)(b) to the
1502 commission, the commission shall:

1503 (i) hold a hearing or take other appropriate action to consider the good cause the county
1504 provides in the written statement; and

1505 (ii) issue a written decision increasing, lowering, or sustaining the assessment.

1506 (d) If a county does not provide a written statement described in Subsection (13)(b) to
1507 the commission within 30 days after the day on which the commission sends the notice
1508 described in Subsection (13)(a), the commission shall adjust the assessment and send a copy of
1509 the commission's written decision to the county.

1510 (14) Subsection (13) does not limit the rights of a county as provided in Subsections
1511 (2) and (4)(a).

1512 Section 12. Section 59-2-1602 is amended to read:

1513 **59-2-1602. Property Tax Valuation Agency Fund -- Creation -- Statewide levy --**
1514 **Additional county levy.**

1515 (1) (a) There is created an agency fund known as the "Property Tax Valuation Agency
1516 Fund."

1517 (b) The fund consists of:

1518 (i) deposits made and penalties received under Subsection (3); and

1519 (ii) interest on money deposited into the fund.

1520 (c) Deposits, penalties, and interest described in Subsection (1)(b) shall be disbursed
1521 and used as provided in Section 59-2-1603.

1522 (2) (a) Each county shall annually impose a multicounty assessing and collecting levy
1523 as provided in this Subsection (2).

1524 (b) The tax rate of the multicounty assessing and collecting levy is:

1525 (i) for a calendar year beginning on or after January 1, 2020, and before January 1,
1526 2025, .000012; and

1527 (ii) for a calendar year beginning on or after January 1, 2025, the certified revenue levy.

1528 (c) The state treasurer shall allocate revenue collected from the multicounty assessing
1529 and collecting levy as follows:

1530 (i) 18% of the revenue collected [~~from the base rate~~] shall be deposited into the
1531 Property Tax Valuation Agency Fund, up to \$500,000 annually; and

1532 (ii) after the deposit described in Subsection (2)(c)(i), all remaining revenue collected
1533 from the multicounty assessing and collecting levy shall be deposited into the Multicounty
1534 Appraisal Trust.

1535 (3) (a) The multicounty assessing and collecting levy imposed under Subsection (2)
1536 shall be separately stated on the tax notice as a multicounty assessing and collecting levy.

1537 (b) The multicounty assessing and collecting levy is:

1538 (i) exempt from Sections 17C-1-403 through 17C-1-406;

1539 (ii) in addition to and exempt from the maximum levies allowable under Section
1540 59-2-908; and

1541 (iii) exempt from the notice and public hearing requirements of Section 59-2-919.

1542 (c) (i) Each county shall transmit quarterly to the state treasurer the revenue collected
1543 from the multicounty assessing and collecting levy.

(ii) The revenue transmitted under Subsection (3)(c)(i) shall be transmitted no later than the tenth day of the month following the end of the quarter in which the revenue is collected.

(iii) If revenue transmitted under Subsection (3)(c)(i) is transmitted after the tenth day of the month following the end of the quarter in which the revenue is collected, the county shall pay an interest penalty at the rate of 10% each year until the revenue is transmitted.

(d) The state treasurer shall allocate the penalties received under this Subsection (3) in the same manner as revenue is allocated under Subsection (2)(c).

(4) (a) A county may levy a county additional property tax in accordance with this Subsection (4).

(b) The county additional property tax:

(i) shall be separately stated on the tax notice as a county assessing and collecting levy;

(ii) may not be incorporated into the rate of any other levy;

(iii) is exempt from Sections 17C-1-403 through 17C-1-406; and

(iv) is in addition to and exempt from the maximum levies allowable under Section 59-2-908.

(c) Revenue collected from the county additional property tax shall be used to:

(i) promote the accurate valuation and uniform assessment levels of property as required by Section 59-2-103;

(ii) promote the efficient administration of the property tax system, including the costs of assessment, collection, and distribution of property taxes;

(iii) fund state mandated actions to meet legislative mandates or judicial or administrative orders that relate to promoting:

(A) the accurate valuation of property; and

(B) the establishment and maintenance of uniform assessment levels within and among counties; and

(iv) establish reappraisal programs that:

(A) are adopted by a resolution or ordinance of the county legislative body; and

(B) conform to rules the commission makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 13. Section 59-7-118 is amended to read:

59-7-118. Section 965, Internal Revenue Code -- Installment payments.

(1) Subject to the other provisions of this section, a corporation may pay in installments the tax owed under this chapter on deferred foreign income described in Section 965, Internal Revenue Code.

(2) Subsection (1) applies:

(a) to a corporation that:

(i) is authorized to make an election under Section 965(h), Internal Revenue Code; and

(ii) apportions deferred foreign income described in Section 965, Internal Revenue Code, to this state; and

(b) for a tax year in which a corporation makes an election under Section 965(h), Internal Revenue Code, for purposes of the corporation's federal income tax.

(3) (a) Except as provided in Subsection (3)(b), the same provisions that apply to an election made under Section 965(h), Internal Revenue Code, for federal purposes apply to an installment payment made under this section.

(b) A corporation shall make:

(i) the first installment under this section on or before the due date~~[, including any extension,]~~ of the tax return filed under this chapter for the first taxable year in which the corporation reports deferred foreign income described in Section 965, Internal Revenue Code; and

(ii) a subsequent installment on or before the due date~~[, including any extension,]~~ of the tax return filed under this chapter in each of the following seven years.

Section 14. Section **59-7-159** is amended to read:

59-7-159. Review of credits allowed under this chapter.

(1) As used in this section, "committee" means the Revenue and Taxation Interim Committee.

(2) (a) The committee shall review the tax credits described in this chapter as provided in Subsection (3) and make recommendations concerning whether the tax credits should be continued, modified, or repealed.

(b) In conducting the review required under Subsection (2)(a), the committee shall:

(i) schedule time on at least one committee agenda to conduct the review;

(ii) invite state agencies, individuals, and organizations concerned with the tax credit

1606 under review to provide testimony;

1607 (iii) (A) invite the Governor's Office of Economic Development to present a summary

1608 and analysis of the information for each tax credit regarding which the Governor's Office of

1609 Economic Development is required to make a report under this chapter; and

1610 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and

1611 analysis of the information for each tax credit regarding which the Office of the Legislative

1612 Fiscal Analyst is required to make a report under this chapter;

1613 (iv) ensure that the committee's recommendations described in this section include an

1614 evaluation of:

1615 (A) the cost of the tax credit to the state;

1616 (B) the purpose and effectiveness of the tax credit; and

1617 (C) the extent to which the state benefits from the tax credit; and

1618 (v) undertake other review efforts as determined by the committee chairs or as

1619 otherwise required by law.

1620 (3) (a) On or before November 30, 2017, and every three years after 2017, the

1621 committee shall conduct the review required under Subsection (2) of the tax credits allowed

1622 under the following sections:

1623 (i) Section 59-7-601;

1624 (ii) Section 59-7-607;

1625 (iii) Section 59-7-612;

1626 (iv) Section 59-7-614.1; and

1627 (v) Section 59-7-614.5.

1628 (b) On or before November 30, 2018, and every three years after 2018, the committee

1629 shall conduct the review required under Subsection (2) of the tax credits allowed under the

1630 following sections:

1631 (i) Section 59-7-609;

1632 (ii) Section 59-7-614.2;

1633 (iii) Section 59-7-614.10;

1634 (iv) Section 59-7-619;

1635 (v) Section 59-7-620; and

1636 (vi) Section 59-7-624.

(c) On or before November 30, 2019, and every three years after 2019, the committee shall conduct the review required under Subsection (2) of the tax credits allowed under the following sections:

(i) Section 59-7-610;

(ii) Section 59-7-614; and

(iii) Section 59-7-614.7[; and].

~~[(iv) Section 59-7-618.]~~

(d) (i) In addition to the reviews described in this Subsection (3), the committee shall conduct a review of a tax credit described in this chapter that is enacted on or after January 1, 2017.

(ii) The committee shall complete a review described in this Subsection (3)(d) three years after the effective date of the tax credit and every three years after the initial review date.

Section 15. Section 59-7-504 is amended to read:

59-7-504. Estimated tax payments -- Penalty -- Waiver.

(1) Except as ~~[otherwise provided in this section, each]~~ provided in Subsection (2), a corporation subject to taxation under this chapter ~~[having]~~ that has a tax liability of \$3,000 or more in either the current tax year~~[, or which had a tax liability of \$3,000 or more in the previous tax year, shall make payments of estimated tax at the same time and using any method provided under Section 6655, Internal Revenue Code]~~ or the previous tax year shall make a payment of an estimated tax on or before the day on which the corporation is required to make a payment of an estimated tax for the same time period to the federal government.

~~[(2) The following are modifications or exceptions to the provisions of Section 6655, Internal Revenue Code:]~~

(2) The provisions of Section 6655, Internal Revenue Code, shall govern the payment described in Subsection (1), except that:

(a) for the first year a corporation is required to file a return in Utah, that corporation is not subject to Subsection (1) if ~~[it]~~ the corporation makes a payment on or before the due date of the return, without extensions, equal to or greater than the minimum tax required under Section 59-7-104 or 59-7-201;

(b) the applicable percentage of the required annual payment, as defined in Section 6655, Internal Revenue Code, for annualized income installments, adjusted seasonal

installments, and those estimated tax payments based on the current year tax liability shall be:

Installment	Percentage
1st	22.5
2nd	45.0
3rd	67.5
4th	90.0

(c) a large [~~corporations~~] corporation shall be treated as any other corporation for purposes of this section; [~~and~~]

(d) if a taxpayer elects a different annualization period than the one used for federal purposes, the taxpayer shall make an election with the [~~Tax Commission~~] commission at the same time as provided under Section 6655, Internal Revenue Code[-]; and

(e) the due date shall be superseded by the due date for federal estimated payments if modified by other federal action.

(3) A penalty shall be added as provided in Section 59-1-401 for any quarterly estimated tax payment [~~which~~] that is not made in accordance with this section.

(4) There shall be no interest added to any estimated tax payments subject to a penalty under this section.

Section 16. Section 59-7-505 is amended to read:

59-7-505. Returns required -- When due -- Extension of time -- Exemption from filing.

(1) Each corporation subject to taxation under this chapter shall make a return, except that a group of corporations filing a combined report under Part 4, Combined Reporting, shall file one combined report.

(a) The return shall be signed by a responsible officer of the corporation, the signature of whom need not be notarized but when signed shall be considered as made under oath.

(b) (i) In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of corporations, those receivers, trustees, or assignees shall make returns for such corporations in the same manner and form as corporations are required to make returns.

(ii) Any tax due on the basis of such returns made by receivers, trustees, or assignees

shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control.

~~[(2) Returns shall be made on or before the 15th day of the fourth month following the close of the taxable year.]~~

(2) (a) A corporation required to make a return under this chapter shall make a return on or before the later of:

(i) the 15th day of the fourth month following the close of the taxable year; or

(ii) the day on which the corporation is required to file a federal income tax return.

(b) Interest accrues from the day on which a return is due under this Subsection (2).

(3) (a) The commission shall allow a taxpayer an extension of time for filing ~~[returns]~~ a return.

~~[(b) The extension under Subsection (3)(a) may not exceed six months.]~~

(b) Except as provided in Subsection (3)(c), the extension described in Subsection (3)(a) may be for up to six months.

(c) For a taxable year beginning on or after January 1, 2019, but beginning on or before December 31, 2019, a taxpayer may receive an extension described in Subsection (3)(a) for the time period that ends on the last day of the extension to file the taxpayer's federal income tax return.

(4) Each return shall be made to the commission.

(5) A corporation incorporated or qualified to do business in this state ~~[prior to]~~ before January 1, 1973, is not liable for filing a return or paying tax measured by income for the taxable year in which ~~[it]~~ the corporation legally terminates ~~[its]~~ the corporation's existence.

(6) A corporation incorporated or qualified to do business or ~~[which had its]~~ that had the corporation's authority to do business reinstated on or after January 1, 1973, shall file a return and pay the tax measured by income for each period during which ~~[it]~~ the corporation had the right to do business in this state, and the return shall be filed and the tax paid within three months and 15 days after the close of this period.

(7) If a corporation terminates ~~[its]~~ the corporation's existence under Section 16-10a-1401, ~~[no returns are required to be filed if a statement is furnished]~~ the corporation is not required to file a return if the corporation provides a statement to the commission that no business has been conducted during that period.

(8) (a) A corporation commencing to do business in Utah after qualification or incorporation with the Division of Corporations and Commercial Code is not required to file a return for the period commencing with the date of incorporation or qualification and ending on the last day of the same month, if that corporation was not doing business in and received no income from sources in the state during such period.

(b) In determining whether a corporation comes within the provisions of this chapter, affidavits on behalf of the corporation that it did no business in and received no income from sources in Utah during such period shall be filed with the commission.

Section 17. Section **59-7-507** is amended to read:

59-7-507. Payment of tax.

(1) (a) If ~~[quarterly estimated payments are]~~ an estimated payment is not made as provided in Section 59-7-504, the amount of tax imposed by this chapter shall be paid no later than the [original] due date of the return described in Subsection 59-7-505(2).

~~[(b) If an extension of time is necessary for filing a return, as provided in Subsection 59-7-505(3) or Section 59-7-803, payment must be made no later than the original due date of the return in an amount equal to the lesser of:]~~

(b) If a taxpayer needs an extension of time to file a return, as provided in Section 59-7-505 or 59-7-803, a taxpayer shall pay, no later than the due date of the return described in Subsection 59-7-505(2), an amount equal to the lesser of:

(i) ~~[The]~~ the greater of:

(A) 90% of the total tax reported on the return for the current taxable year; or

(B) 100% of the minimum tax described in Section 59-7-104; or

(ii) 100% of the total tax liability for the taxable year immediately preceding the current taxable year.

(c) If payment is not made as provided in Subsection (1)(b), the commission shall add an extension penalty as provided in Section 59-1-401, until the tax is paid during the period of extension.

(2) (a) For a taxable year beginning on or after January 1, 2019, but beginning on or before December 31, 2019, a taxpayer shall receive an extension of time for the payment of the amount determined as the tax of the taxpayer, or any part of that amount, for the time period that ends on the last day of the extension to pay the taxpayer's federal income tax.

1760 ~~[(2)(a) At]~~ (b) (i) For a taxable year beginning on or after January 1, 2020, at the
1761 request of the taxpayer, the commission may extend the time for payment of the amount
1762 determined as the tax by the taxpayer, or any part of that amount, for a period not to exceed six
1763 months from the date prescribed for the payment of the tax.

1764 ~~[(b) For purposes of Subsection (2)(a), the amount in respect of which the extension is~~
1765 ~~granted shall be paid on or before the date of the expiration of the period of the extension.]~~

1766 (ii) For purposes of Subsection (2)(b)(i), the taxpayer shall pay the amount for which
1767 the extension is granted on or before the day on which the period of the extension expires.

1768 Section 18. Section **59-7-610** is amended to read:

1769 **59-7-610. Recycling market development zones tax credits.**

1770 (1) Subject to other provisions of this section, a taxpayer that is a business operating in
1771 a recycling market development zone as defined in Section **19-13-102** may claim the following
1772 nonrefundable tax credits:

1773 (a) a tax credit ~~[of 5% of]~~ equal to the product of the percentage listed in Subsection
1774 **59-7-104**(2) and the purchase price paid for machinery and equipment used directly in:

1775 (i) commercial composting; or

1776 (ii) manufacturing facilities or plant units that:

1777 (A) manufacture, process, compound, or produce recycled items of tangible personal
1778 property for sale; or

1779 (B) reduce or reuse postconsumer waste material; and

1780 (b) a tax credit equal to the lesser of:

1781 (i) 20% of net expenditures to third parties for rent, wages, supplies, tools, test
1782 inventory, and utilities made by the taxpayer for establishing and operating recycling or
1783 composting technology in the state; and

1784 (ii) \$2,000.

1785 (2) (a) To claim a tax credit described in Subsection (1), the taxpayer shall receive
1786 from the Department of Environmental Quality a written certification, on a form approved by
1787 the commission, that includes:

1788 (i) a statement that the taxpayer is operating a business within the boundaries of a
1789 recycling market development zone;

1790 (ii) for a claim of the tax credit described in Subsection (1)(a):

- 1791 (A) the type of the machinery and equipment that the taxpayer purchased;
1792 (B) the date that the taxpayer purchased the machinery and equipment;
1793 (C) the purchase price for the machinery and equipment;
1794 (D) the total purchase price for all machinery and equipment for which the taxpayer is
1795 claiming a tax credit;
1796 (E) a statement that the machinery and equipment are integral to the composting or
1797 recycling process; and
1798 (F) the amount of the taxpayer's tax credit; and
1799 (iii) for a claim of the tax credit described in Subsection (1)(b):
1800 (A) the type of net expenditure that the taxpayer made to a third party;
1801 (B) the date that the taxpayer made the payment to a third party;
1802 (C) the amount that the taxpayer paid to each third party;
1803 (D) the total amount that the taxpayer paid to all third parties;
1804 (E) a statement that the net expenditures support the establishment and operation of
1805 recycling or composting technology in the state; and
1806 (F) the amount of the taxpayer's tax credit.
1807 (b) (i) The Department of Environmental Quality shall provide a taxpayer seeking to
1808 claim a tax credit under Subsection (1) with a copy of the written certification.
1809 (ii) The taxpayer shall retain a copy of the written certification for the same period of
1810 time that a person is required to keep books and records under Section [59-1-1406](#).
1811 (c) The Department of Environmental Quality shall submit to the commission an
1812 electronic list that includes:
1813 (i) the name and identifying information of each taxpayer to which the Department of
1814 Environmental Quality issues a written certification; and
1815 (ii) for each taxpayer, the amount of each tax credit listed on the written certification.
1816 (3) A taxpayer may not claim a tax credit under Subsection (1)(a), Subsection (1)(b), or
1817 both that exceeds 40% of the taxpayer's state income tax liability as the tax liability is
1818 calculated:
1819 (a) for the taxable year in which the taxpayer made the purchases or payments;
1820 (b) before any other tax credits the taxpayer may claim for the taxable year; and
1821 (c) before the taxpayer claims a tax credit authorized by this section.

(4) The commission shall make rules governing what information a taxpayer shall file with the commission to verify the entitlement to and amount of a tax credit.

(5) Except as provided in Subsections (6) through (8), a taxpayer may carry forward, to the next three taxable years, the amount of a tax credit described in Subsection (1)(a) that the taxpayer does not use for the taxable year.

(6) A taxpayer may not claim or carry forward a tax credit described in Subsection (1)(a) in a taxable year during which the taxpayer claims or carries forward a tax credit under Section 63N-2-213.

(7) A taxpayer may not claim a tax credit described in Subsection (1)(b) in a taxable year during which the taxpayer claims or carries forward a tax credit under Section 63N-2-213.

(8) A taxpayer may not claim or carry forward a tax credit under this section for a taxable year during which the taxpayer claims the targeted business income tax credit under Section 59-7-624.

Section 19. Section 59-7-619 is amended to read:

59-7-619. Nonrefundable high cost infrastructure development tax credit.

(1) As used in this section:

(a) "High cost infrastructure project" means the same as that term is defined in Section 63M-4-602.

(b) "Infrastructure cost-burdened entity" means the same as that term is defined in Section 63M-4-602.

(c) "Infrastructure-related revenue" means the same as that term is defined in Section 63M-4-602.

(d) "Office" means the Office of Energy Development created in Section 63M-4-401.

(2) Subject to the other provisions of this section, a corporation that is an infrastructure cost-burdened entity may claim a nonrefundable tax credit for development of a high cost infrastructure project as provided in this section.

(3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under Title 63M, Chapter 4, Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure cost-burdened entity for the taxable year.

(4) An infrastructure cost-burdened entity may carry forward a tax credit under this

1853 section for a period that does not exceed the next seven taxable years if:

1854 (a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this
1855 section for a taxable year; and

1856 (b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax
1857 liability under this chapter for that taxable year.

1858 (5) (a) In accordance with Section [59-7-159](#), the Revenue and Taxation Interim
1859 Committee shall study the tax credit allowed by this section and make recommendations
1860 concerning whether the tax credit should be continued, modified, or repealed.

1861 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by
1862 this Subsection (5), the office shall provide the following information, if available to the office,
1863 to the Office of the Legislative Fiscal Analyst:

1864 (A) the amount of tax credit that the office grants to each infrastructure cost-burdened
1865 entity for each taxable year;

1866 (B) the infrastructure-related revenue generated by each high cost infrastructure
1867 project;

1868 (C) the information contained in the office's latest report under Section [[63M-4-505](#)]
1869 [63M-4-605](#); and

1870 (D) any other information that the Office of the Legislative Fiscal Analyst requests.

1871 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall
1872 redact information that identifies a recipient of a tax credit under this section.

1873 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting
1874 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a
1875 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
1876 provide the information described in Subsection (5)(b)(i) in the aggregate for all infrastructure
1877 cost-burdened entities that receive the tax credit under this section.

1878 (c) As part of the study required by this Subsection (5), the Office of the Legislative
1879 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
1880 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the
1881 office under Subsection (5)(b).

1882 (d) The Revenue and Taxation Interim Committee shall ensure that the
1883 recommendations described in Subsection (5)(a) include an evaluation of:

- 1884 (i) the cost of the tax credit to the state;
- 1885 (ii) the purpose and effectiveness of the tax credit; and
- 1886 (iii) the extent to which the state benefits from the tax credit.
- 1887 Section 20. Section **59-7-620** is amended to read:
- 1888 **59-7-620. Nonrefundable tax credit for contribution to state Achieving a Better**
- 1889 **Life Experience Program account.**
- 1890 (1) As used in this section:
- 1891 (a) "Account" means an account in a qualified ABLE program where the designated
- 1892 beneficiary of the account is a resident of this state.
- 1893 (b) "Contributor" means a corporation that:
- 1894 (i) makes a contribution to an account; and
- 1895 (ii) receives a statement from the qualified ABLE program itemizing the contribution.
- 1896 (c) "Designated beneficiary" means the same as that term is defined in 26 U.S.C. Sec.
- 1897 529A.
- 1898 (d) "Qualified ABLE program" means the same as that term is defined in Section
- 1899 [35A-12-102](#).
- 1900 (2) For a taxable year beginning on or after January 1, 2020, but beginning on or before
- 1901 December 31, 2020, a contributor to an account may claim a nonrefundable tax credit as
- 1902 provided in this section.
- 1903 (3) Subject to the other provisions of this section, the tax credit is equal to the product
- 1904 of:
- 1905 (a) ~~[5%]~~ the percentage listed in Subsection [59-7-104\(2\)](#); and
- 1906 (b) the total amount of contributions:
- 1907 (i) the contributor makes for the taxable year; and
- 1908 (ii) for which the contributor receives a statement from the qualified ABLE program
- 1909 itemizing the contributions.
- 1910 (4) A contributor may not claim a tax credit under this section:
- 1911 (a) for an amount of excess contribution to an account that is returned to the
- 1912 contributor; or
- 1913 (b) with respect to an amount the contributor deducts on a federal income tax return.
- 1914 (5) A tax credit under this section may not be carried forward or carried back.

1915 Section 21. Section **59-10-103** is amended to read:

1916 **59-10-103. Definitions.**

1917 (1) As used in this chapter:

1918 (a) (i) "Adjusted gross income":

1919 (A) for a resident or nonresident individual, means the same as that term is defined in
1920 Section 62, Internal Revenue Code; or

1921 (B) for a resident or nonresident estate or trust, is as calculated in Section 67(e),
1922 Internal Revenue Code.

1923 (ii) "Adjusted gross income" does not include:

1924 (A) income received from a loan forgiven in accordance with 15 U.S.C. Sec. 636(a)
1925 (36), to the extent that a deduction for the expenditures paid with the loan is disallowed, or a
1926 similar paycheck protection loan that is authorized by the federal government, provided in
1927 response to COVID-19, forgiven if the borrower meets the expenditure requirements, and
1928 exempt from federal income tax, to the extent that a deduction for the expenditures paid with
1929 the loan is disallowed; or

1930 (B) an amount that an individual receives in accordance with Section 6428, Internal
1931 Revenue Code, or an amount that an individual receives that is authorized by the federal
1932 government as a tax credit for the 2020 tax year, provided in response to COVID-19, paid in
1933 advance of the filing of the individual's 2020 federal income tax return, and exempt from
1934 federal income tax.

1935 (b) "Corporation" includes:

1936 (i) an association;

1937 (ii) a joint stock company; and

1938 (iii) an insurance company.

1939 (c) "COVID-19" means:

1940 (i) the severe acute respiratory syndrome coronavirus 2; or

1941 (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

1942 (d) "Distributable net income" means the same as that term is defined in Section 643,
1943 Internal Revenue Code.

1944 (e) "Employee" means the same as that term is defined in Section 59-10-401.

1945 (f) "Employer" means the same as that term is defined in Section 59-10-401.

1946 (g) "Federal taxable income":
 1947 (i) for a resident or nonresident individual, means taxable income as defined by Section
 1948 63, Internal Revenue Code; or
 1949 (ii) for a resident or nonresident estate or trust, is as calculated in Section 641(a) and
 1950 (b), Internal Revenue Code.
 1951 (h) "Fiduciary" means:
 1952 (i) a guardian;
 1953 (ii) a trustee;
 1954 (iii) an executor;
 1955 (iv) an administrator;
 1956 (v) a receiver;
 1957 (vi) a conservator; or
 1958 (vii) any person acting in any fiduciary capacity for any individual.
 1959 (i) "Guaranteed annuity interest" means the same as that term is defined in 26 C.F.R.
 1960 Sec. 1.170A-6(c)(2).
 1961 (j) "Homesteaded land diminished from the Uintah and Ouray Reservation" means the
 1962 homesteaded land that was held to have been diminished from the Uintah and Ouray
 1963 Reservation in Hagen v. Utah, 510 U.S. 399 (1994).
 1964 (k) "Individual" means a natural person and includes aliens and minors.
 1965 (l) "Irrevocable trust" means a trust in which the settlor may not revoke or terminate all
 1966 or part of the trust without the consent of a person who has a substantial beneficial interest in
 1967 the trust and the interest would be adversely affected by the exercise of the settlor's power to
 1968 revoke or terminate all or part of the trust.
 1969 (m) "Military service" means the same as that term is defined in Pub. L. No. 108-189,
 1970 Sec. 101.
 1971 (n) "Nonresident individual" means an individual who is not a resident of this state.
 1972 (o) "Nonresident trust" or "nonresident estate" means a trust or estate which is not a
 1973 resident estate or trust.
 1974 (p) (i) "Partnership" includes a syndicate, group, pool, joint venture, or other
 1975 unincorporated organization:
 1976 (A) through or by means of which any business, financial operation, or venture is

1977 carried on; and

1978 (B) that is not, within the meaning of this chapter, a trust, an estate, or a corporation.

1979 (ii) "Partnership" does not include any organization not included under the definition of

1980 "partnership" in Section 761, Internal Revenue Code.

1981 (iii) "Partner" includes a member in a syndicate, group, pool, joint venture, or

1982 organization described in Subsection (1)(p)(i).

1983 (q) "Pass-through entity" means the same as that term is defined in Section

1984 59-10-1402.

1985 (r) "Pass-through entity taxpayer" means the same as that term is defined in Section

1986 59-10-1402.

1987 [~~(q)~~] (s) "Qualified nongrantor charitable lead trust" means a trust:

1988 (i) that is irrevocable;

1989 (ii) that has a trust term measured by:

1990 (A) a fixed term of years; or

1991 (B) the life of a person living on the day on which the trust is created;

1992 (iii) under which:

1993 (A) a portion of the value of the trust assets is distributed during the trust term:

1994 (I) to an organization described in Section 170(c), Internal Revenue Code; and

1995 (II) as a guaranteed annuity interest or a unitrust interest; and

1996 (B) assets remaining in the trust at the termination of the trust term are distributed to a

1997 beneficiary:

1998 (I) designated in the trust; and

1999 (II) that is not an organization described in Section 170(c), Internal Revenue Code;

2000 (iv) for which the trust is allowed a deduction under Section 642(c), Internal Revenue

2001 Code; and

2002 (v) under which the grantor of the trust is not treated as the owner of any portion of the

2003 trust for federal income tax purposes.

2004 [~~(r)~~] (t) "Resident individual" means an individual who is domiciled in this state for

2005 any period of time during the taxable year, but only for the duration of the period during which

2006 the individual is domiciled in this state.

2007 [~~(s)~~] (u) "Resident estate" or "resident trust" means the same as that term is defined in

2008 Section 75-7-103.

2009 ~~[(t)]~~ (v) "Servicemember" means the same as that term is defined in Pub. L. No.
2010 108-189, Sec. 101.

2011 ~~[(t)]~~ (w) "State income tax percentage for a nonresident estate or trust" means a
2012 percentage equal to a nonresident estate's or trust's state taxable income for the taxable year
2013 divided by the nonresident estate's or trust's total adjusted gross income for that taxable year
2014 after making the adjustments required by:

2015 (i) Section 59-10-202;

2016 (ii) Section 59-10-207;

2017 (iii) Section 59-10-209.1; or

2018 (iv) Section 59-10-210.

2019 ~~[(v)]~~ (x) "State income tax percentage for a nonresident individual" means a percentage
2020 equal to a nonresident individual's state taxable income for the taxable year divided by the
2021 difference between:

2022 (i) subject to Section 59-10-1405, the nonresident individual's total adjusted gross
2023 income for that taxable year, after making the:

2024 (A) additions and subtractions required by Section 59-10-114; and

2025 (B) adjustments required by Section 59-10-115; and

2026 (ii) if the nonresident individual described in Subsection (1)~~[(v)]~~(x)(i) is a
2027 servicemember, the compensation the servicemember receives for military service if the
2028 servicemember is serving in compliance with military orders.

2029 ~~[(w)]~~ (y) "State income tax percentage for a part-year resident individual" means, for a
2030 taxable year, a fraction:

2031 (i) the numerator of which is the sum of:

2032 (A) subject to Section 59-10-1404.5, for the time period during the taxable year that the
2033 part-year resident individual is a resident, the part-year resident individual's total adjusted gross
2034 income for that time period, after making the:

2035 (I) additions and subtractions required by Section 59-10-114; and

2036 (II) adjustments required by Section 59-10-115; and

2037 (B) for the time period during the taxable year that the part-year resident individual is a
2038 nonresident, an amount calculated by:

2039 (I) determining the part-year resident individual's adjusted gross income for that time
 2040 period, after making the:
 2041 (Aa) additions and subtractions required by Section 59-10-114; and
 2042 (Bb) adjustments required by Section 59-10-115; and
 2043 (II) calculating the portion of the amount determined under Subsection
 2044 (1)[~~(w)~~](y)(i)(B)(I) that is derived from Utah sources in accordance with Section 59-10-117;
 2045 and
 2046 (ii) the denominator of which is the difference between:
 2047 (A) the part-year resident individual's total adjusted gross income for that taxable year,
 2048 after making the:
 2049 (I) additions and subtractions required by Section 59-10-114; and
 2050 (II) adjustments required by Section 59-10-115; and
 2051 (B) if the part-year resident individual is a servicemember, any compensation the
 2052 servicemember receives for military service during the portion of the taxable year that the
 2053 servicemember is a nonresident if the servicemember is serving in compliance with military
 2054 orders.
 2055 [~~(x)~~] (z) "Taxable income" or "state taxable income":
 2056 (i) subject to Section 59-10-1404.5, for a resident individual, means the resident
 2057 individual's adjusted gross income after making the:
 2058 (A) additions and subtractions required by Section 59-10-114; and
 2059 (B) adjustments required by Section 59-10-115;
 2060 (ii) for a nonresident individual, is an amount calculated by:
 2061 (A) determining the nonresident individual's adjusted gross income for the taxable
 2062 year, after making the:
 2063 (I) additions and subtractions required by Section 59-10-114; and
 2064 (II) adjustments required by Section 59-10-115; and
 2065 (B) calculating the portion of the amount determined under Subsection
 2066 (1)[~~(x)~~](z)(ii)(A) that is derived from Utah sources in accordance with Section 59-10-117;
 2067 (iii) for a resident estate or trust, is as calculated under Section 59-10-201.1; and
 2068 (iv) for a nonresident estate or trust, is as calculated under Section 59-10-204.
 2069 [~~(y)~~] (aa) "Taxpayer" means any [~~individual, estate, trust, or beneficiary of an estate or~~

2070 ~~trust,~~ of the following that has income subject in whole or part to the tax imposed by this
2071 chapter[-];

2072 (i) an individual;

2073 (ii) an estate, a trust, or a beneficiary of an estate or a trust that is not a pass-through
2074 entity or a pass-through entity taxpayer;

2075 (iii) a pass-through entity; or

2076 (iv) a pass-through entity taxpayer.

2077 ~~(z)~~ (bb) "Trust term" means a time period:

2078 (i) beginning on the day on which a qualified nongrantor charitable lead trust is
2079 created; and

2080 (ii) ending on the day on which the qualified nongrantor charitable lead trust described
2081 in Subsection (1)~~(z)~~(bb)(i) terminates.

2082 ~~(aa)~~ (cc) "Uintah and Ouray Reservation" means the lands recognized as being
2083 included within the Uintah and Ouray Reservation in:

2084 (i) Hagen v. Utah, 510 U.S. 399 (1994); and

2085 (ii) Ute Indian Tribe v. Utah, 114 F.3d 1513 (10th Cir. 1997).

2086 ~~(bb)~~ (dd) "Unadjusted income" means an amount equal to the difference between:

2087 (i) the total income required to be reported by a resident or nonresident estate or trust
2088 on the resident or nonresident estate's or trust's federal income tax return for estates and trusts
2089 for the taxable year; and

2090 (ii) the sum of the following:

2091 (A) fees paid or incurred to the fiduciary of a resident or nonresident estate or trust:

2092 (I) for administering the resident or nonresident estate or trust; and

2093 (II) that the resident or nonresident estate or trust deducts as allowed on the resident or
2094 nonresident estate's or trust's federal income tax return for estates and trusts for the taxable
2095 year;

2096 (B) the income distribution deduction that a resident or nonresident estate or trust
2097 deducts under Section 651 or 661, Internal Revenue Code, as allowed on the resident or
2098 nonresident estate's or trust's federal income tax return for estates and trusts for the taxable
2099 year;

2100 (C) the amount that a resident or nonresident estate or trust deducts as a deduction for

2101 estate tax or generation skipping transfer tax under Section 691(c), Internal Revenue Code, as
2102 allowed on the resident or nonresident estate's or trust's federal income tax return for estates
2103 and trusts for the taxable year; and

2104 (D) the amount that a resident or nonresident estate or trust deducts as a personal
2105 exemption under Section 642(b), Internal Revenue Code, as allowed on the resident or
2106 nonresident estate's or trust's federal income tax return for estates and trusts for the taxable
2107 year.

2108 [~~ee~~] (ee) "Unitrust interest" means the same as that term is defined in 26 C.F.R. Sec.
2109 1.170A-6(c)(2).

2110 [~~dd~~] (ff) "Ute tribal member" means an individual who is enrolled as a member of the
2111 Ute Indian Tribe of the Uintah and Ouray Reservation.

2112 [~~ee~~] (gg) "Ute tribe" means the Ute Indian Tribe of the Uintah and Ouray
2113 Reservation.

2114 [~~ff~~] (hh) "Wages" means the same as that term is defined in Section 59-10-401.

2115 (2) (a) Any term used in this chapter has the same meaning as when used in
2116 comparable context in the laws of the United States relating to federal income taxes unless a
2117 different meaning is clearly required.

2118 (b) Any reference to the Internal Revenue Code or to the laws of the United States shall
2119 mean the Internal Revenue Code or other provisions of the laws of the United States relating to
2120 federal income taxes that are in effect for the taxable year.

2121 (c) Any reference to a specific section of the Internal Revenue Code or other provision
2122 of the laws of the United States relating to federal income taxes shall include any
2123 corresponding or comparable provisions of the Internal Revenue Code as amended,
2124 redesignated, or reenacted.

2125 Section 22. Section 59-10-114 is amended to read:

2126 **59-10-114. Additions to and subtractions from adjusted gross income of an**
2127 **individual.**

2128 (1) There shall be added to adjusted gross income of a resident or nonresident
2129 individual:

2130 (a) a lump sum distribution that the taxpayer does not include in adjusted gross income
2131 on the taxpayer's federal individual income tax return for the taxable year;

2132 (b) the amount of a child's income calculated under Subsection (4) that:

2133 (i) a parent elects to report on the parent's federal individual income tax return for the

2134 taxable year; and

2135 (ii) the parent does not include in adjusted gross income on the parent's federal

2136 individual income tax return for the taxable year;

2137 (c) (i) a withdrawal from a medical care savings account and any penalty imposed for

2138 the taxable year if:

2139 (A) the resident or nonresident individual does not deduct the amounts on the resident

2140 or nonresident individual's federal individual income tax return under Section 220, Internal

2141 Revenue Code;

2142 (B) the withdrawal is subject to Subsections 31A-32a-105(1) and (2); and

2143 (C) the withdrawal is subtracted on, or used as the basis for claiming a tax credit on, a

2144 return the resident or nonresident individual files under this chapter;

2145 (ii) a disbursement required to be added to adjusted gross income in accordance with

2146 Subsection 31A-32a-105(3); or

2147 (iii) an amount required to be added to adjusted gross income in accordance with

2148 Subsection 31A-32a-105(5)(c);

2149 (d) the amount withdrawn under Title 53B, Chapter 8a, Utah Educational Savings Plan,

2150 from the account of a resident or nonresident individual who is an account owner as defined in

2151 Section 53B-8a-102, for the taxable year for which the amount is withdrawn, if that amount

2152 withdrawn from the account of the resident or nonresident individual who is the account

2153 owner:

2154 (i) is not expended for:

2155 (A) higher education costs as defined in Section 53B-8a-102.5; or

2156 (B) a payment or distribution that qualifies as an exception to the additional tax for

2157 distributions not used for educational expenses provided in Sections 529(c) and 530(d),

2158 Internal Revenue Code; and

2159 (ii) is:

2160 (A) subtracted by the resident or nonresident individual:

2161 (I) who is the account owner; and

2162 (II) on the resident or nonresident individual's return filed under this chapter for a

2163 taxable year beginning on or before December 31, 2007; or
2164 (B) used as the basis for the resident or nonresident individual who is the account
2165 owner to claim a tax credit under Section 59-10-1017;
2166 (e) except as provided in Subsection (5), for bonds, notes, and other evidences of
2167 indebtedness acquired on or after January 1, 2003, the interest from bonds, notes, and other
2168 evidences of indebtedness:
2169 (i) issued by one or more of the following entities:
2170 (A) a state other than this state;
2171 (B) the District of Columbia;
2172 (C) a political subdivision of a state other than this state; or
2173 (D) an agency or instrumentality of an entity described in Subsections (1)(e)(i)(A)
2174 through (C); and
2175 (ii) to the extent the interest is not included in adjusted gross income on the taxpayer's
2176 federal income tax return for the taxable year;
2177 (f) subject to Subsection (2)(c), any distribution received by a resident beneficiary of a
2178 resident trust of income that was taxed at the trust level for federal tax purposes, but was
2179 subtracted from state taxable income of the trust pursuant to Subsection 59-10-202(2)(b);
2180 (g) any distribution received by a resident beneficiary of a nonresident trust of
2181 undistributed distributable net income realized by the trust on or after January 1, 2004, if that
2182 undistributed distributable net income was taxed at the trust level for federal tax purposes, but
2183 was not taxed at the trust level by any state, with undistributed distributable net income
2184 considered to be distributed from the most recently accumulated undistributed distributable net
2185 income; and
2186 (h) any adoption expense:
2187 (i) for which a resident or nonresident individual receives reimbursement from another
2188 person; and
2189 (ii) to the extent to which the resident or nonresident individual subtracts that adoption
2190 expense:
2191 (A) on a return filed under this chapter for a taxable year beginning on or before
2192 December 31, 2007; or
2193 (B) from federal taxable income on a federal individual income tax return.

2194 (2) There shall be subtracted from adjusted gross income of a resident or nonresident
2195 individual:

2196 (a) the difference between:

2197 (i) the interest or a dividend on an obligation or security of the United States or an
2198 authority, commission, instrumentality, or possession of the United States, to the extent that
2199 interest or dividend is:

2200 (A) included in adjusted gross income for federal income tax purposes for the taxable
2201 year; and

2202 (B) exempt from state income taxes under the laws of the United States; and

2203 (ii) any interest on indebtedness incurred or continued to purchase or carry the
2204 obligation or security described in Subsection (2)(a)(i);

2205 (b) ~~[for taxable years beginning on or after January 1, 2000,]~~ if the conditions of
2206 Subsection (3)(a) are met, the amount of income derived by a Ute tribal member:

2207 (i) during a time period that the Ute tribal member resides on homesteaded land
2208 diminished from the Uintah and Ouray Reservation; and

2209 (ii) from a source within the Uintah and Ouray Reservation;

2210 (c) an amount received by a resident or nonresident individual or distribution received
2211 by a resident or nonresident beneficiary of a resident trust:

2212 (i) if that amount or distribution constitutes a refund of taxes imposed by:

2213 (A) a state; or

2214 (B) the District of Columbia; and

2215 (ii) to the extent that amount or distribution is included in adjusted gross income for
2216 that taxable year on the federal individual income tax return of the resident or nonresident
2217 individual or resident or nonresident beneficiary of a resident trust;

2218 (d) the amount of a railroad retirement benefit:

2219 (i) paid:

2220 (A) in accordance with The Railroad Retirement Act of 1974, 45 U.S.C. Sec. 231 et
2221 seq.;

2222 (B) to a resident or nonresident individual; and

2223 (C) for the taxable year; and

2224 (ii) to the extent that railroad retirement benefit is included in adjusted gross income on

2225 that resident or nonresident individual's federal individual income tax return for that taxable
2226 year;

2227 (e) an amount:

2228 (i) received by an enrolled member of an American Indian tribe; and

2229 (ii) to the extent that the state is not authorized or permitted to impose a tax under this
2230 part on that amount in accordance with:

2231 (A) federal law;

2232 (B) a treaty; or

2233 (C) a final decision issued by a court of competent jurisdiction;

2234 (f) an amount received:

2235 (i) for the interest on a bond, note, or other obligation issued by an entity for which
2236 state statute provides an exemption of interest on its bonds from state individual income tax;

2237 (ii) by a resident or nonresident individual;

2238 (iii) for the taxable year; and

2239 (iv) to the extent the amount is included in adjusted gross income on the taxpayer's
2240 federal income tax return for the taxable year;

2241 (g) the amount of all income, including income apportioned to another state, of a
2242 nonmilitary spouse of an active duty military member if:

2243 (i) both the nonmilitary spouse and the active duty military member are nonresident
2244 individuals;

2245 (ii) the active duty military member is stationed in Utah;

2246 (iii) the nonmilitary spouse is subject to the residency provisions of 50 U.S.C. Sec.
2247 4001(a)(2); and

2248 (iv) the income is included in adjusted gross income for federal income tax purposes
2249 for the taxable year;

2250 (h) for a taxable year beginning on or after January 1, 2019, but beginning on or before
2251 December 31, 2019, only:

2252 (i) the amount of any FDIC premium paid or incurred by the taxpayer that is
2253 disallowed as a deduction for federal income tax purposes under Section 162(r), Internal
2254 Revenue Code, on the taxpayer's 2018 federal income tax return; plus

2255 (ii) the amount of any FDIC premium paid or incurred by the taxpayer that is

2256 disallowed as a deduction for federal income tax purposes under Section 162(r), Internal
2257 Revenue Code, for the taxable year;

2258 (i) for a taxable year beginning on or after January 1, 2020, the amount of any FDIC
2259 premium paid or incurred by the taxpayer that is disallowed as a deduction for federal income
2260 tax purposes under Section 162(r), Internal Revenue Code, for the taxable year; ~~and~~

2261 (j) for a taxable year beginning on or after January 1, 2020, but beginning on or before
2262 December 31, 2020, the amount:

2263 (i) of a paycheck protection loan similar to a loan forgiven in accordance with 15
2264 U.S.C. Sec. 636(a)(36) that is:

2265 (A) authorized by the federal government;

2266 (B) provided in response to COVID-19;

2267 (C) forgiven if the borrower meets the expenditure requirements; and

2268 (D) subject to federal income tax, to the extent that a deduction for the expenditures
2269 paid with the loan is disallowed;

2270 (ii) that a resident or a nonresident individual receives that is:

2271 (A) authorized by the federal government as a tax credit for the 2020 tax year;

2272 (B) provided in response to COVID-19;

2273 (C) paid in advance of the filing of the individual's 2020 federal income tax return; and

2274 (D) subject to federal income tax; and

2275 (iii) of any grant funds or forgiven loans that:

2276 (A) the resident or nonresident individual receives from the state, a county within the
2277 state, or a municipality within the state in response to COVID-19;

2278 (B) are funded by using federal revenue received by the state, the county, or the
2279 municipality to respond to COVID-19; and

2280 (C) are included in adjusted gross income[-]; and

2281 (k) an amount of a distribution from a qualified retirement plan under Section 401(a),
2282 Internal Revenue Code, if:

2283 (i) the amount of the distribution is included in adjusted gross income on the resident
2284 or nonresident individual's federal individual income tax return for the taxable year; and

2285 (ii) for the taxable year when the amount of the distribution was contributed to the
2286 qualified retirement plan, the amount of the distribution:

2287 (A) was not included in adjusted gross income on the resident or nonresident
2288 individual's federal individual income tax return for the taxable year; and
2289 (B) was taxed by another state of the United States, the District of Columbia, or a
2290 possession of the United States.

2291 (3) (a) A subtraction for an amount described in Subsection (2)(b) is allowed only if:
2292 (i) the taxpayer is a Ute tribal member; and
2293 (ii) the governor and the Ute tribe execute and maintain an agreement meeting the
2294 requirements of this Subsection (3).

2295 (b) The agreement described in Subsection (3)(a):
2296 (i) may not:
2297 (A) authorize the state to impose a tax in addition to a tax imposed under this chapter;
2298 (B) provide a subtraction under this section greater than or different from the
2299 subtraction described in Subsection (2)(b); or
2300 (C) affect the power of the state to establish rates of taxation; and
2301 (ii) shall:
2302 (A) provide for the implementation of the subtraction described in Subsection (2)(b);
2303 (B) be in writing;
2304 (C) be signed by:
2305 (I) the governor; and
2306 (II) the chair of the Business Committee of the Ute tribe;
2307 (D) be conditioned on obtaining any approval required by federal law; and
2308 (E) state the effective date of the agreement.

2309 (c) (i) The governor shall report to the commission by no later than February 1 of each
2310 year regarding whether or not an agreement meeting the requirements of this Subsection (3) is
2311 in effect.

2312 (ii) If an agreement meeting the requirements of this Subsection (3) is terminated, the
2313 subtraction permitted under Subsection (2)(b) is not allowed for taxable years beginning on or
2314 after the January 1 following the termination of the agreement.

2315 (d) For purposes of Subsection (2)(b) and in accordance with Title 63G, Chapter 3,
2316 Utah Administrative Rulemaking Act, the commission may make rules:
2317 (i) for determining whether income is derived from a source within the Uintah and

2318 Ouray Reservation; and

2319 (ii) that are substantially similar to how adjusted gross income derived from Utah
2320 sources is determined under Section 59-10-117.

2321 (4) (a) For purposes of this Subsection (4), "Form 8814" means:

2322 (i) the federal individual income tax Form 8814, Parents' Election To Report Child's
2323 Interest and Dividends; or

2324 (ii) (A) a form designated by the commission in accordance with Subsection
2325 (4)(a)(ii)(B) as being substantially similar to 2000 Form 8814 if for purposes of federal
2326 individual income taxes the information contained on 2000 Form 8814 is reported on a form
2327 other than Form 8814; and

2328 (B) for purposes of Subsection (4)(a)(ii)(A) and in accordance with Title 63G, Chapter
2329 3, Utah Administrative Rulemaking Act, the commission may make rules designating a form as
2330 being substantially similar to 2000 Form 8814 if for purposes of federal individual income
2331 taxes the information contained on 2000 Form 8814 is reported on a form other than Form
2332 8814.

2333 (b) The amount of a child's income added to adjusted gross income under Subsection
2334 (1)(b) is equal to the difference between:

2335 (i) the lesser of:

2336 (A) the base amount specified on Form 8814; and

2337 (B) the sum of the following reported on Form 8814:

2338 (I) the child's taxable interest;

2339 (II) the child's ordinary dividends; and

2340 (III) the child's capital gain distributions; and

2341 (ii) the amount not taxed that is specified on Form 8814.

2342 (5) Notwithstanding Subsection (1)(e), interest from bonds, notes, and other evidences
2343 of indebtedness issued by an entity described in Subsections (1)(e)(i)(A) through (D) may not
2344 be added to adjusted gross income of a resident or nonresident individual if, as annually
2345 determined by the commission:

2346 (a) for an entity described in Subsection (1)(e)(i)(A) or (B), the entity and all of the
2347 political subdivisions, agencies, or instrumentalities of the entity do not impose a tax based on
2348 income on any part of the bonds, notes, and other evidences of indebtedness of this state; or

(b) for an entity described in Subsection (1)(e)(i)(C) or (D), the following do not impose a tax based on income on any part of the bonds, notes, and other evidences of indebtedness of this state:

(i) the entity; or

(ii) (A) the state in which the entity is located; or

(B) the District of Columbia, if the entity is located within the District of Columbia.

Section 23. Section **59-10-137** is amended to read:

59-10-137. Review of credits allowed under this chapter.

(1) As used in this section, "committee" means the Revenue and Taxation Interim Committee.

(2) (a) The committee shall review the tax credits described in this chapter as provided in Subsection (3) and make recommendations concerning whether the tax credits should be continued, modified, or repealed.

(b) In conducting the review required under Subsection (2)(a), the committee shall:

(i) schedule time on at least one committee agenda to conduct the review;

(ii) invite state agencies, individuals, and organizations concerned with the tax credit under review to provide testimony;

(iii) (A) invite the Governor's Office of Economic Development to present a summary and analysis of the information for each tax credit regarding which the Governor's Office of Economic Development is required to make a report under this chapter; and

(B) invite the Office of the Legislative Fiscal Analyst to present a summary and analysis of the information for each tax credit regarding which the Office of the Legislative Fiscal Analyst is required to make a report under this chapter;

(iv) ensure that the committee's recommendations described in this section include an evaluation of:

(A) the cost of the tax credit to the state;

(B) the purpose and effectiveness of the tax credit; and

(C) the extent to which the state benefits from the tax credit; and

(v) undertake other review efforts as determined by the committee chairs or as otherwise required by law.

(3) (a) On or before November 30, 2017, and every three years after 2017, the

2380 committee shall conduct the review required under Subsection (2) of the tax credits allowed
2381 under the following sections:

- 2382 (i) Section 59-10-1004;
- 2383 (ii) Section 59-10-1010;
- 2384 (iii) Section 59-10-1015;
- 2385 (iv) Section 59-10-1025;
- 2386 (v) Section 59-10-1027;
- 2387 (vi) Section 59-10-1031;
- 2388 (vii) Section 59-10-1032;
- 2389 (viii) Section 59-10-1035;
- 2390 (ix) Section 59-10-1104;
- 2391 (x) Section 59-10-1105; and
- 2392 (xi) Section 59-10-1108.

2393 (b) On or before November 30, 2018, and every three years after 2018, the committee
2394 shall conduct the review required under Subsection (2) of the tax credits allowed under the
2395 following sections:

- 2396 (i) Section 59-10-1005;
- 2397 (ii) Section 59-10-1006;
- 2398 (iii) Section 59-10-1012;
- 2399 (iv) Section 59-10-1022;
- 2400 (v) Section 59-10-1023;
- 2401 (vi) Section 59-10-1028;
- 2402 (vii) Section 59-10-1034;
- 2403 (viii) Section 59-10-1037;
- 2404 (ix) Section 59-10-1107; and
- 2405 (x) Section 59-10-1112.

2406 (c) On or before November 30, 2019, and every three years after 2019, the committee
2407 shall conduct the review required under Subsection (2) of the tax credits allowed under the
2408 following sections:

- 2409 (i) Section 59-10-1007;
- 2410 (ii) Section 59-10-1014;

2411 (iii) Section 59-10-1017;
 2412 (iv) Section 59-10-1018;
 2413 (v) Section 59-10-1019;
 2414 (vi) Section 59-10-1024;
 2415 (vii) Section 59-10-1029;
 2416 ~~[(viii) Section 59-10-1033;]~~
 2417 ~~[(ix)]~~ (viii) Section 59-10-1036;
 2418 ~~[(x)]~~ (ix) Section 59-10-1106; and
 2419 ~~[(xi)]~~ (x) Section 59-10-1111.

2420 (d) (i) In addition to the reviews described in this Subsection (3), the committee shall
 2421 conduct a review of a tax credit described in this chapter that is enacted on or after January 1,
 2422 2017.

2423 (ii) The committee shall complete a review described in this Subsection (3)(d) three
 2424 years after the effective date of the tax credit and every three years after the initial review date.

2425 Section 24. Section 59-10-507 is amended to read:

2426 **59-10-507. Return by a pass-through entity.**

2427 ~~[(1) As used in this section:]~~

2428 ~~[(a) "Pass-through entity" is as defined in Section 59-10-1402.]~~

2429 ~~[(b) "Taxable"]~~ (1) As used in this section, "taxable year" means a year or other time
 2430 period that would be a taxable year of a pass-through entity if the pass-through entity were
 2431 subject to taxation under this chapter.

2432 (2) A pass-through entity having any income derived from or connected with Utah
 2433 sources shall make a return for the taxable year in accordance with Section 59-10-514.

2434 Section 25. Section 59-10-514 is amended to read:

2435 **59-10-514. Return filing requirements -- Rulemaking authority.**

2436 (1) (a) Subject to Subsection (3) and Section 59-10-518:

2437 ~~[(a)]~~ (i) an individual income tax return filed for a tax imposed in accordance with Part
 2438 1, Determination and Reporting of Tax Liability and Information, shall be filed with the
 2439 commission on or before the day on which a federal individual income tax return is due ~~[under~~
 2440 ~~the Internal Revenue Code]~~;

2441 ~~[(b)]~~ (ii) a fiduciary income tax return filed for a tax imposed in accordance with Part

2, Trusts and Estates, shall be filed with the commission on or before the day on which a federal return for estates and trusts is due [~~under the Internal Revenue Code~~]; or

~~[(c)]~~ (iii) a return filed in accordance with Section 59-10-507 shall be filed with the commission on or before the later of:

(A) the 15th day of the fourth month following the last day of the taxpayer's taxable year~~[-]~~; or

(B) the day on which the taxpayer is required to file a federal income tax return.

(b) Interest accrues from the day on which a return is due under this Subsection (1).

(2) A person required to make and file a return under this chapter shall, without assessment, notice, or demand, pay any tax due:

(a) to the commission; and

(b) before the due date for filing the return, without regard to any extension of time for filing the return.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules prescribing what constitutes filing a return with the commission.

Section 26. Section 59-10-516 is amended to read:

59-10-516. Filing extension -- Payment of tax -- Penalty -- Foreign residency.

(1) (a) The commission shall allow a taxpayer an extension of time for filing a return.

(b) Except as provided in Subsection (1)(c):

(i) ~~[For]~~ for a return filed by a taxpayer except for a partnership, the extension ~~[under]~~ described in Subsection (1)(a) may ~~[not exceed]~~ be up to six months~~[-]~~; and

(ii) ~~[For]~~ for a return filed by a partnership, the extension ~~[under]~~ described in Subsection (1)(a) may ~~[not exceed]~~ be up to five months.

~~[(2) (a) Except as provided in Subsection (2)(b), the commission may not impose on a taxpayer during the extension period prescribed under Subsection (1) a penalty under Section 59-1-401 if the taxpayer pays, on or before the 15th day of the fourth month following the close of the taxpayer's taxable year, the lesser of:]~~

(c) For a taxable year beginning on or after January 1, 2019, but beginning on or before December 31, 2019, a taxpayer may receive an extension described in Subsection (1)(a) for the time period that ends on the last day of the extension to file the taxpayer's federal income tax return.

(2) The commission may not impose a penalty under Section [59-1-401](#) during the extension period described in Subsection (1) on:

(a) a pass-through entity, if the pass-through entity, on or before the return due date described in Section [59-10-514](#), pays or withholds the tax on behalf of a pass-through entity taxpayer; or

(b) a taxpayer other than a taxpayer described in Subsection (2)(a), if the taxpayer pays, on or before the return due date described in Section [59-10-514](#), an amount equal to the lesser of:

(i) 90% of the total tax reported on the return for the current taxable year; or

(ii) 100% of the total tax liability for the taxable year immediately preceding the current taxable year.

~~[(b)]~~ (3) If a taxpayer fails to meet the requirements of Subsection (2)~~[(a)]~~, the commission may apply to the total balance due a penalty as provided in Section [59-1-401](#).

~~[(3)]~~ (4) If a federal income tax return filing is lawfully delayed pending a determination of qualification for a federal tax exemption due to residency outside of the United States, a taxpayer shall file a return within 30 days after that determination is made.

Section 27. Section [59-10-522](#) is amended to read:

59-10-522. Extension of time for paying tax.

(1) (a) For a taxable year beginning on or after January 1, 2019, but beginning on or before December 31, 2019, a taxpayer shall receive an extension of time for the payment of the amount determined as the tax of the taxpayer, or any part of that amount, for the time period that ends on the last day of the extension to pay the taxpayer's federal income tax.

~~[(1)-The]~~ (b) (i) For a taxable year beginning on or after January 1, 2020, the commission, except as otherwise provided by this chapter, may extend the time for payment of the amount shown, or required to be shown, on any return required under authority of this chapter (or any installment thereof), for a reasonable period not to exceed six months from the date fixed for payment thereof.

(ii) ~~[Such]~~ The extension may exceed six months in the cases of taxpayers who are outside the states of the union and the District of Columbia.

(2) (a) Under rules prescribed by the commission, the time for payment of the amount determined as a deficiency may be extended for a period not to exceed 18 months from the date

2504 fixed for payment of the deficiency, and, in exceptional cases, for a further period not to exceed
2505 12 months.

2506 (b) An extension under this subsection may be granted only where it is shown to the
2507 satisfaction of the commission that the payment of a deficiency upon the date fixed for the
2508 payment thereof will result in undue hardship to the taxpayer.

2509 (c) No extension may be granted if the deficiency is due to negligence, to intentional
2510 disregard of rules, or to fraud with intent to evade tax.

2511 (3) ~~[Extensions]~~ An extension of time for payment of any portion of a claim for an
2512 unpaid tax under this chapter, allowed in bankruptcy or receivership proceedings, ~~[which is~~
2513 ~~unpaid;]~~ may be had in the same manner and subject to the same provisions and limitations as
2514 provided in Subsection (2) ~~[in respect of a deficiency in tax]~~.

2515 Section 28. Section **59-10-1007** is amended to read:

2516 **59-10-1007. Recycling market development zones tax credits.**

2517 (1) Subject to other provisions of this section, a claimant, estate, or trust in a recycling
2518 market development zone as defined in Section **19-13-102** may claim the following
2519 nonrefundable tax credits:

2520 (a) a tax credit ~~[of 5% of]~~ equal to the product of the percentage listed in Subsection
2521 59-10-104(2) and the purchase price paid for machinery and equipment used directly in:

2522 (i) commercial composting; or

2523 (ii) manufacturing facilities or plant units that:

2524 (A) manufacture, process, compound, or produce recycled items of tangible personal
2525 property for sale; or

2526 (B) reduce or reuse postconsumer waste material; and

2527 (b) a tax credit equal to the lesser of:

2528 (i) 20% of net expenditures to third parties for rent, wages, supplies, tools, test
2529 inventory, and utilities made by the claimant, estate, or trust for establishing and operating
2530 recycling or composting technology in the state; and

2531 (ii) \$2,000.

2532 (2) (a) To claim a tax credit described in Subsection (1), the claimant, estate, or trust
2533 shall receive from the Department of Environmental Quality a written certification, on a form
2534 approved by the commission, that includes:

2535 (i) a statement that the claimant, estate, or trust is operating within the boundaries of a
2536 recycling market development zone;

2537 (ii) for a claim of the tax credit described in Subsection (1)(a):

2538 (A) the type of the machinery and equipment that the claimant, estate, or trust
2539 purchased;

2540 (B) the date that the claimant, estate, or trust purchased the machinery and equipment;

2541 (C) the purchase price for the machinery and equipment;

2542 (D) the total purchase price for all machinery and equipment for which the claimant,
2543 estate, or trust is claiming a tax credit;

2544 (E) the amount of the claimant's, estate's, or trust's tax credit; and

2545 (F) a statement that the machinery and equipment are integral to the composting or
2546 recycling process; and

2547 (iii) for a claim of the tax credit described in Subsection (1)(b):

2548 (A) the type of net expenditure that the claimant, estate, or trust made to a third party;

2549 (B) the date that the claimant, estate, or trust made the payment to a third party;

2550 (C) the amount that the claimant, estate, or trust paid to each third party;

2551 (D) the total amount that the claimant, estate, or trust paid to all third parties;

2552 (E) a statement that the net expenditures support the establishment and operation of
2553 recycling or composting technology in the state; and

2554 (F) the amount of the claimant's, estate's, or trust's tax credit.

2555 (b) (i) The Department of Environmental Quality shall provide a claimant, estate, or
2556 trust seeking to claim a tax credit under Subsection (1) with a copy of the written certification.

2557 (ii) The claimant, estate, or trust shall retain a copy of the written certification for the
2558 same period of time that a person is required to keep books and records under Section
2559 [59-1-1406](#).

2560 (c) The Department of Environmental Quality shall submit to the commission an
2561 electronic list that includes:

2562 (i) the name and identifying information of each claimant, estate, or trust to which the
2563 Department of Environmental Quality issues a written certification; and

2564 (ii) for each claimant, estate, or trust, the amount of each tax credit listed on the written
2565 certification.

(3) A claimant, estate, or trust may not claim a tax credit under Subsection (1)(a), Subsection (1)(b), or both that exceeds 40% of the claimant's, estate's, or trust's state income tax liability as the tax liability is calculated:

(a) for the taxable year in which the claimant, estate, or trust made the purchases or payments;

(b) before any other tax credits the claimant, estate, or trust may claim for the taxable year; and

(c) before the claimant, estate, or trust claims a tax credit authorized by this section.

(4) The commission shall make rules governing what information a claimant, estate, or trust shall file with the commission to verify the entitlement to and amount of a tax credit.

(5) Except as provided in Subsections (6) through (8), a claimant, estate, or trust may carry forward, to the next three taxable years, the amount of a tax credit described in Subsection (1)(a) that the claimant, estate, or trust does not use for the taxable year.

(6) A claimant, estate, or trust may not claim or carry forward a tax credit described in Subsection (1)(a) in a taxable year during which the claimant, estate, or trust claims or carries forward a tax credit under Section 63N-2-213.

(7) A claimant, estate, or trust may not claim a tax credit described in Subsection (1)(b) in a taxable year during which the claimant, estate, or trust claims or carries forward a tax credit under Section 63N-2-213.

(8) A claimant, estate, or trust may not claim or carry forward a tax credit under this section for a taxable year during which the claimant, estate, or trust claims the targeted business income tax credit under Section 59-10-1112.

Section 29. Section 59-10-1017 is amended to read:

59-10-1017. Utah Educational Savings Plan tax credit.

(1) As used in this section:

(a) "Account owner" means the same as that term is defined in Section 53B-8a-102.

(b) "Grantor trust" means the same as that term is defined in Section 53B-8a-102.5.

(c) "Higher education costs" means the same as that term is defined in Section 53B-8a-102.5.

(d) "Maximum amount of a qualified investment for the taxable year" means, for a taxable year, the product of ~~[5%]~~ the percentage listed in Subsection 59-10-104(2) and:

2597 (i) subject to Subsection (1)(d)(iii), for a claimant, estate, or trust that is an account
2598 owner, if that claimant, estate, or trust is other than husband and wife account owners who file
2599 a single return jointly, the maximum amount of a qualified investment:

2600 (A) listed in Subsection 53B-8a-106(1)(e)(ii); and

2601 (B) increased or kept for that taxable year in accordance with Subsections
2602 53B-8a-106(1)(f) and (g);

2603 (ii) subject to Subsection (1)(d)(iii), for claimants who are husband and wife account
2604 owners who file a single return jointly, the maximum amount of a qualified investment:

2605 (A) listed in Subsection 53B-8a-106(1)(e)(iii); and

2606 (B) increased or kept for that taxable year in accordance with Subsections
2607 53B-8a-106(1)(f) and (g); or

2608 (iii) for a grantor trust:

2609 (A) if the owner of the grantor trust has a single filing status or head of household
2610 filing status as defined in Section 59-10-1018, the amount described in Subsection (1)(d)(i); or

2611 (B) if the owner of the grantor trust has a joint filing status as defined in Section
2612 59-10-1018, the amount described in Subsection (1)(d)(ii).

2613 (e) "Owner of the grantor trust" means the same as that term is defined in Section
2614 53B-8a-102.5.

2615 (f) "Qualified investment" means the same as that term is defined in Section
2616 53B-8a-102.5.

2617 (2) Except as provided in Section 59-10-1002.2 and subject to the other provisions of
2618 this section, a claimant, estate, or trust that is an account owner may claim a nonrefundable tax
2619 credit equal to the product of:

2620 (a) the amount of a qualified investment made:

2621 (i) during the taxable year; and

2622 (ii) into an account owned by the claimant, estate, or trust; and

2623 [~~(b) 5%.~~]

2624 (b) the percentage listed in Subsection 59-10-104(2).

2625 (3) A claimant, estate, or trust, or a person other than the claimant, estate, or trust, may
2626 make a qualified investment described in Subsection (2).

2627 (4) A claimant, estate, or trust that is an account owner may not claim a tax credit

under this section with respect to any portion of a qualified investment described in Subsection (2) that a claimant, estate, trust, or person described in Subsection (3) deducts on a federal income tax return.

(5) A tax credit under this section may not exceed the maximum amount of a qualified investment for the taxable year.

(6) A claimant, estate, or trust that is an account owner may not carry forward or carry back the tax credit under this section.

(7) A claimant, estate, or trust may claim a tax credit under this section in addition to the tax credit described in Section 59-10-1017.1.

Section 30. Section 59-10-1017.1 is amended to read:

59-10-1017.1. Student Prosperity Savings Program tax credit.

(1) As used in this section, "qualified donation" means an amount donated, in accordance with Section 53B-8a-203, to the Student Prosperity Savings Program created in Section 53B-8a-202.

(2) A claimant, estate, or trust may claim a nonrefundable tax credit for a qualified donation.

(3) The tax credit equals the product of:

(a) the qualified donation; and

~~[(b) 5%.]~~

(b) the percentage listed in Subsection 59-10-104(2).

(4) A claimant, estate, or trust may not claim a tax credit under this section with respect to any portion of a qualified donation that a claimant, estate, or trust deducts on a federal income tax return.

(5) A claimant, estate, or trust may not carry forward or carry back the portion of the tax credit allowed by this section that exceeds the claimant's, estate's, or trust's tax liability for the taxable year in which the claimant, estate, or trust claims the tax credit.

(6) A claimant, estate, or trust may claim a tax credit under this section in addition to the tax credit described in Section 59-10-1017.

Section 31. Section 59-10-1022 is amended to read:

59-10-1022. Nonrefundable tax credit for capital gain transactions.

(1) As used in this section:

2659 (a) (i) "Capital gain transaction" means a transaction that results in a:
2660 (A) short-term capital gain; or
2661 (B) long-term capital gain.
2662 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2663 commission may by rule define the term "transaction."
2664 (b) "Commercial domicile" means the principal place from which the trade or business
2665 of a Utah small business corporation is directed or managed.
2666 (c) "Long-term capital gain" is as defined in Section 1222, Internal Revenue Code.
2667 (d) "Qualifying stock" means stock that is:
2668 (i) (A) common; or
2669 (B) preferred;
2670 (ii) as defined by the commission by rule made in accordance with Title 63G, Chapter
2671 3, Utah Administrative Rulemaking Act, originally issued to:
2672 (A) a claimant, estate, or trust; or
2673 (B) a partnership if the claimant, estate, or trust that claims a tax credit under this
2674 section:
2675 (I) was a partner on the day on which the stock was issued; and
2676 (II) remains a partner until the last day of the taxable year for which the claimant,
2677 estate, or trust claims a tax credit under this section; and
2678 (iii) issued:
2679 (A) by a Utah small business corporation;
2680 (B) on or after January 1, 2008; and
2681 (C) for:
2682 (I) money; or
2683 (II) other property, except for stock or securities.
2684 (e) "Short-term capital gain" is as defined in Section 1222, Internal Revenue Code.
2685 (f) (i) "Utah small business corporation" means a corporation that:
2686 (A) except as provided in Subsection (1)(f)(ii), is a small business corporation as
2687 defined in Section 1244(c)(3), Internal Revenue Code;
2688 (B) except as provided in Subsection (1)(f)(iii), meets the requirements of Section
2689 1244(c)(1)(C), Internal Revenue Code; and

2690 (C) has its commercial domicile in this state.

2691 (ii) The dollar amount listed in Section 1244(c)(3)(A) is considered to be \$2,500,000.

2692 (iii) The phrase "the date the loss on such stock was sustained" in Sections

2693 1244(c)(1)(C) and 1244(c)(2), Internal Revenue Code, is considered to be "the last day of the

2694 taxable year for which the claimant, estate, or trust claims a tax credit under this section."

2695 (2) For taxable years beginning on or after January 1, 2008, a claimant, estate, or trust

2696 that meets the requirements of Subsection (3) may claim a nonrefundable tax credit equal to the

2697 product of:

2698 (a) the total amount of the claimant's, estate's, or trust's short-term capital gain or

2699 long-term capital gain on a capital gain transaction that occurs on or after January 1, 2008; and

2700 ~~[(b) 5%.]~~

2701 (b) the percentage listed in Subsection 59-10-104(2).

2702 (3) For purposes of Subsection (2), a claimant, estate, or trust may claim the

2703 nonrefundable tax credit allowed by Subsection (2) if:

2704 (a) 70% or more of the gross proceeds of the capital gain transaction are expended:

2705 (i) to purchase qualifying stock in a Utah small business corporation; and

2706 (ii) within a 12-month period after the day on which the capital gain transaction occurs;

2707 and

2708 (b) prior to the purchase of the qualifying stock described in Subsection (3)(a)(i), the

2709 claimant, estate, or trust did not have an ownership interest in the Utah small business

2710 corporation that issued the qualifying stock.

2711 (4) A claimant, estate, or trust may not carry forward or carry back a tax credit under

2712 this section.

2713 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

2714 commission may make rules:

2715 (a) defining the term "gross proceeds"; and

2716 (b) prescribing the circumstances under which a claimant, estate, or trust has an

2717 ownership interest in a Utah small business corporation.

2718 Section 32. Section **59-10-1023** is amended to read:

2719 **59-10-1023. Nonrefundable tax credit for amounts paid under a health benefit**

2720 **plan.**

- 2721 (1) As used in this section:
- 2722 (a) "Claimant with dependents" means a claimant:
- 2723 (i) regardless of the claimant's filing status for purposes of filing a federal individual
- 2724 income tax return for the taxable year; and
- 2725 (ii) who claims one or more dependents under Section 151, Internal Revenue Code, as
- 2726 allowed on the claimant's federal individual income tax return for the taxable year.
- 2727 (b) "Eligible insured individual" means:
- 2728 (i) the claimant who is insured under a health benefit plan;
- 2729 (ii) the spouse of the claimant described in Subsection (1)(b)(i) if:
- 2730 (A) the claimant files a single return jointly under this chapter with the claimant's
- 2731 spouse for the taxable year; and
- 2732 (B) the spouse is insured under the health benefit plan described in Subsection
- 2733 (1)(b)(i); or
- 2734 (iii) a dependent of the claimant described in Subsection (1)(b)(i) if:
- 2735 (A) the claimant claims the dependent under Section 151, Internal Revenue Code, as
- 2736 allowed on the claimant's federal individual income tax return for the taxable year; and
- 2737 (B) the dependent is insured under the health benefit plan described in Subsection
- 2738 (1)(b)(i).
- 2739 (c) "Excluded expenses" means an amount a claimant pays for insurance offered under
- 2740 a health benefit plan for a taxable year if:
- 2741 (i) the claimant claims a tax credit for that amount under Section 35, Internal Revenue
- 2742 Code:
- 2743 (A) on the claimant's federal individual income tax return for the taxable year; and
- 2744 (B) with respect to an eligible insured individual;
- 2745 (ii) the claimant deducts that amount under Section 162 or 213, Internal Revenue
- 2746 Code:
- 2747 (A) on the claimant's federal individual income tax return for the taxable year; and
- 2748 (B) with respect to an eligible insured individual; or
- 2749 (iii) the claimant excludes that amount from gross income under Section 106 or 125,
- 2750 Internal Revenue Code, with respect to an eligible insured individual.
- 2751 (d) (i) "Health benefit plan" is as defined in Section [31A-1-301](#).

2752 (ii) "Health benefit plan" does not include equivalent self-insurance as defined by the
 2753 Insurance Department by rule made in accordance with Title 63G, Chapter 3, Utah
 2754 Administrative Rulemaking Act.

2755 (e) "Joint claimant with no dependents" means a husband and wife who:

2756 (i) file a single return jointly under this chapter for the taxable year; and

2757 (ii) do not claim a dependent under Section 151, Internal Revenue Code, on the
 2758 husband's and wife's federal individual income tax return for the taxable year.

2759 (f) "Single claimant with no dependents" means:

2760 (i) a single individual who:

2761 (A) files a single federal individual income tax return for the taxable year; and

2762 (B) does not claim a dependent under Section 151, Internal Revenue Code, on the
 2763 single individual's federal individual income tax return for the taxable year;

2764 (ii) a head of household:

2765 (A) as defined in Section 2(b), Internal Revenue Code, who files a single federal
 2766 individual income tax return for the taxable year; and

2767 (B) who does not claim a dependent under Section 151, Internal Revenue Code, on the
 2768 head of household's federal individual income tax return for the taxable year; or

2769 (iii) a married individual who:

2770 (A) does not file a single federal individual income tax return jointly with that married
 2771 individual's spouse for the taxable year; and

2772 (B) does not claim a dependent under Section 151, Internal Revenue Code, on that
 2773 married individual's federal individual income tax return for the taxable year.

2774 (2) Subject to Subsection (3), and except as provided in Subsection (4), for taxable
 2775 years beginning on or after January 1, 2009, a claimant may claim a nonrefundable tax credit
 2776 equal to the product of:

2777 (a) the difference between:

2778 (i) the total amount the claimant pays during the taxable year for:

2779 (A) insurance offered under a health benefit plan; and

2780 (B) an eligible insured individual; and

2781 (ii) excluded expenses; and

2782 [~~(b) 5%.~~]

2783 (b) the percentage listed in Subsection 59-10-104(2).

2784 (3) The maximum amount of a tax credit described in Subsection (2) a claimant may
2785 claim on a return for a taxable year is:

2786 (a) for a single claimant with no dependents, \$300;

2787 (b) for a joint claimant with no dependents, \$600; or

2788 (c) for a claimant with dependents, \$900.

2789 (4) A claimant may not claim a tax credit under this section if the claimant is eligible to
2790 participate in insurance offered under a health benefit plan maintained and funded in whole or
2791 in part by:

2792 (a) the claimant's employer; or

2793 (b) another person's employer.

2794 (5) A claimant may not carry forward or carry back a tax credit under this section.

2795 Section 33. Section **59-10-1028** is amended to read:

2796 **59-10-1028. Nonrefundable tax credit for capital gain transactions on the**
2797 **exchange of one form of legal tender for another form of legal tender.**

2798 (1) As used in this section:

2799 (a) "Capital gain transaction" means a transaction that results in a:

2800 (i) short-term capital gain; or

2801 (ii) long-term capital gain.

2802 (b) "Long-term capital gain" is as defined in Section 1222, Internal Revenue Code.

2803 (c) "Long-term capital loss" is as defined in Section 1222, Internal Revenue Code.

2804 (d) "Net capital gain" means the amount by which the sum of long-term capital gains

2805 and short-term capital gains on a claimant's, estate's, or trust's transactions from exchanges

2806 made for a taxable year of one form of legal tender for another form of legal tender exceeds the

2807 sum of long-term capital losses and short-term capital losses on those transactions for that

2808 taxable year.

2809 (e) "Short-term capital loss" is as defined in Section 1222, Internal Revenue Code.

2810 (f) "Short-term capital gain" is as defined in Section 1222, Internal Revenue Code.

2811 (2) Except as provided in Section 59-10-1002.2, for taxable years beginning on or after

2812 January 1, 2012, a claimant, estate, or trust may claim a nonrefundable tax credit equal to the

2813 product of:

(a) to the extent a net capital gain is included in taxable income, the amount of the claimant's, estate's, or trust's net capital gain on capital gain transactions from exchanges made on or after January 1, 2012, for a taxable year, of one form of legal tender for another form of legal tender; and

~~[(b) 5%.]~~

(b) the percentage listed in Subsection 59-10-104(2).

(3) A claimant, estate, or trust may not carry forward or carry back a tax credit under this section.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to implement this section.

Section 34. Section **59-10-1035** is amended to read:

59-10-1035. Nonrefundable tax credit for contribution to state Achieving a Better Life Experience Program account.

(1) As used in this section:

(a) "Account" means an account in a qualified ABLE program where the designated beneficiary of the account is a resident of this state.

(b) "Contributor" means a claimant, estate, or trust that:

(i) makes a contribution to an account; and

(ii) receives a statement from the qualified ABLE program itemizing the contribution.

(c) "Designated beneficiary" means the same as that term is defined in 26 U.S.C. Sec. 529A.

(d) "Qualified ABLE program" means the same as that term is defined in Section 35A-12-102.

(2) A contributor to an account may claim a nonrefundable tax credit as provided in this section.

(3) Subject to the other provisions of this section, the tax credit is equal to the product of:

~~[(a) 5%; and]~~

(a) the percentage listed in Subsection 59-10-104(2); and

(b) the total amount of contributions:

(i) the contributor makes for the taxable year; and

2845 (ii) for which the contributor receives a statement from the qualified ABLE program
2846 itemizing the contributions.

2847 (4) A contributor may not claim a tax credit under this section:

2848 (a) for an amount of excess contribution to an account that is returned to the
2849 contributor; or

2850 (b) with respect to an amount the contributor deducts on a federal income tax return.

2851 (5) A tax credit under this section may not be carried forward or carried back.

2852 Section 35. Section **59-10-1036** is amended to read:

2853 **59-10-1036. Nonrefundable tax credit for military survivor benefits.**

2854 (1) As used in this section:

2855 (a) "Dependent child" means the same as that term is defined in 10 U.S.C. Sec. 1447.

2856 (b) "Reserve components" means the same as that term is described in 10 U.S.C. Sec.
2857 10101.

2858 (c) "Surviving spouse" means the same as that term is defined in 10 U.S.C. Sec. 1447.

2859 (d) "Survivor benefits" means the amount paid by the federal government in
2860 accordance with 10 U.S.C. Secs. 1447 through 1455.

2861 (2) A surviving spouse or dependent child may claim a nonrefundable tax credit for
2862 survivor benefits if the benefits are paid due to:

2863 (a) the death of a member of the armed forces or reserve components while on active
2864 duty; or

2865 (b) the death of a member of the reserve components that results from a
2866 service-connected cause while performing inactive duty training.

2867 (3) The tax credit described in Subsection (2) is equal to the product of:

2868 (a) the amount of survivor benefits that the surviving spouse or dependent child
2869 received during the taxable year; and

2870 ~~[(b) 5%.]~~

2871 (b) the percentage listed in Subsection [59-10-104\(2\)](#).

2872 (4) The tax credit described in Subsection (2):

2873 (a) may not be carried forward or carried back; and

2874 (b) applies to a taxable year beginning on or after January 1, 2017.

2875 Section 36. Section **59-10-1403** is amended to read:

59-10-1403. Income tax treatment of a pass-through entity -- Returns --
Classification same as under Internal Revenue Code.

(1) Subject to Subsection (3), a pass-through entity is not subject to a tax imposed by this chapter.

(2) Except as provided in Section 59-10-1403.3, the income, gain, loss, deduction, or credit of a pass-through entity shall be passed through to one or more pass-through entity taxpayers as provided in this part.

(3) A pass-through entity is subject to the return filing requirements of Sections 59-10-507 [and], 59-10-514, and 59-10-516.

(4) For purposes of taxation under this title, a pass-through entity that transacts business in the state shall be classified in the same manner as the pass-through entity is classified for federal income tax purposes.

Section 37. Section 59-10-1403.3 is amended to read:

59-10-1403.3. Refund of amounts paid or withheld for a pass-through entity.

(1) As used in this section:

(a) "Committee" means the Revenue and Taxation Interim Committee.

(b) "Qualifying excess withholding" means an amount that:

(i) is paid or withheld:

(A) by a pass-through entity that has a different taxable year than the pass-through entity that requests a refund under this section; and

(B) on behalf of the pass-through entity that requests the refund, if the pass-through entity that requests the refund also is a pass-through entity taxpayer; and

(ii) is equal to the difference between:

(A) the amount paid or withheld for the taxable year on behalf of the pass-through entity that requests the refund; and

(B) the product of [5%] the percentage listed in Subsection 59-10-104(2) and the income, described in Subsection 59-10-1403.2(1)(a)(i), of the pass-through entity that requests the refund.

(2) For a taxable year ending on or after July 1, 2017, a pass-through entity may claim a refund of qualifying excess withholding, if the amount of the qualifying excess withholding is equal to or greater than \$250,000.

2907 (3) A pass-through entity that requests a refund of qualifying excess withholding under
2908 this section shall:

2909 (a) apply to the commission for a refund on or, subject to Subsection (4), after the day
2910 on which the pass-through entity files the pass-through entity's income tax return; and

2911 (b) provide any information that the commission may require to determine that the
2912 pass-through entity is eligible to receive the refund.

2913 (4) A pass-through entity shall claim a refund of qualifying excess withholding under
2914 this section within 30 days after the earlier of the day on which:

2915 (a) the pass-through entity files an income tax return; or

2916 (b) the pass-through entity's income tax return is due, including any extension of due
2917 date authorized in statute.

2918 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2919 commission may make rules establishing the information that a pass-through entity shall
2920 provide to the commission to obtain a refund of qualifying excess withholding under this
2921 section.

2922 (6) (a) On or before November 30, 2018, the committee shall review the \$250,000
2923 threshold described in Subsection (2) for the purpose of assessing whether the threshold
2924 amount should be maintained, increased, or decreased.

2925 (b) To assist the committee in conducting the review described in Subsection (6)(a),
2926 the commission shall provide the committee with:

2927 (i) the total number of refund requests made under this section;

2928 (ii) the total costs of any refunds issued under this section;

2929 (iii) the costs of any audits conducted on refund requests made under this section; and

2930 (iv) an estimation of:

2931 (A) the number of refund requests the commission expects to receive if the Legislature
2932 increases the threshold;

2933 (B) the number of refund requests the commission expects to receive if the Legislature
2934 decreases the threshold; and

2935 (C) the costs of any audits the commission would conduct if the Legislature increases
2936 or decreases the threshold.

2937 Section 38. Section **59-12-102** is amended to read:

2938 **59-12-102. Definitions.**

2939 As used in this chapter:

2940 (1) "800 service" means a telecommunications service that:

2941 (a) allows a caller to dial a toll-free number without incurring a charge for the call; and

2942 (b) is typically marketed:

2943 (i) under the name 800 toll-free calling;

2944 (ii) under the name 855 toll-free calling;

2945 (iii) under the name 866 toll-free calling;

2946 (iv) under the name 877 toll-free calling;

2947 (v) under the name 888 toll-free calling; or

2948 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the

2949 Federal Communications Commission.

2950 (2) (a) "900 service" means an inbound toll telecommunications service that:

2951 (i) a subscriber purchases;

2952 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to

2953 the subscriber's:

2954 (A) prerecorded announcement; or

2955 (B) live service; and

2956 (iii) is typically marketed:

2957 (A) under the name 900 service; or

2958 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal

2959 Communications Commission.

2960 (b) "900 service" does not include a charge for:

2961 (i) a collection service a seller of a telecommunications service provides to a

2962 subscriber; or

2963 (ii) the following a subscriber sells to the subscriber's customer:

2964 (A) a product; or

2965 (B) a service.

2966 (3) (a) "Admission or user fees" includes season passes.

2967 (b) "Admission or user fees" does not include:

2968 (i) annual membership dues to private organizations; or

2969 (ii) a lesson, including a lesson that involves as part of the lesson equipment or a
 2970 facility listed in Subsection 59-12-103(1)(f).

2971 (4) "Affiliate" or "affiliated person" means a person that, with respect to another
 2972 person:

2973 (a) has an ownership interest of more than 5%, whether direct or indirect, in that other
 2974 person; or

2975 (b) is related to the other person because a third person, or a group of third persons who
 2976 are affiliated persons with respect to each other, holds an ownership interest of more than 5%,
 2977 whether direct or indirect, in the related persons.

2978 (5) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on
 2979 November 12, 2002, including amendments made to the Streamlined Sales and Use Tax
 2980 Agreement after November 12, 2002.

2981 (6) "Agreement combined tax rate" means the sum of the tax rates:

2982 (a) listed under Subsection (7); and

2983 (b) that are imposed within a local taxing jurisdiction.

2984 (7) "Agreement sales and use tax" means a tax imposed under:

2985 (a) Subsection 59-12-103(2)(a)(i)(A);

2986 (b) Subsection 59-12-103(2)(b)(i);

2987 (c) Subsection 59-12-103(2)(c)(i);

2988 (d) Subsection 59-12-103(2)(d);

2989 ~~[(d)]~~ (e) Subsection 59-12-103(2)~~[(d)]~~(e)(i)(A)(I);

2990 ~~[(e)]~~ (f) Section 59-12-204;

2991 ~~[(f)]~~ (g) Section 59-12-401;

2992 ~~[(g)]~~ (h) Section 59-12-402;

2993 ~~[(h)]~~ (i) Section 59-12-402.1;

2994 ~~[(i)]~~ (j) Section 59-12-703;

2995 ~~[(j)]~~ (k) Section 59-12-802;

2996 ~~[(k)]~~ (l) Section 59-12-804;

2997 ~~[(l)]~~ (m) Section 59-12-1102;

2998 ~~[(m)]~~ (n) Section 59-12-1302;

2999 ~~[(n)]~~ (o) Section 59-12-1402;

3000 [~~(p)~~] (p) Section 59-12-1802;
3001 [~~(q)~~] (q) Section 59-12-2003;
3002 [~~(r)~~] (r) Section 59-12-2103;
3003 [~~(s)~~] (s) Section 59-12-2213;
3004 [~~(t)~~] (t) Section 59-12-2214;
3005 [~~(u)~~] (u) Section 59-12-2215;
3006 [~~(v)~~] (v) Section 59-12-2216;
3007 [~~(w)~~] (w) Section 59-12-2217;
3008 [~~(x)~~] (x) Section 59-12-2218;
3009 [~~(y)~~] (y) Section 59-12-2219; or
3010 [~~(z)~~] (z) Section 59-12-2220.
3011 (8) "Aircraft" means the same as that term is defined in Section 72-10-102.
3012 (9) "Aircraft maintenance, repair, and overhaul provider" means a business entity:
3013 (a) except for:
3014 (i) an airline as defined in Section 59-2-102; or
3015 (ii) an affiliated group, as defined in Section 59-7-101, except that "affiliated group"
3016 includes a corporation that is qualified to do business but is not otherwise doing business in the
3017 state, of an airline; and
3018 (b) that has the workers, expertise, and facilities to perform the following, regardless of
3019 whether the business entity performs the following in this state:
3020 (i) check, diagnose, overhaul, and repair:
3021 (A) an onboard system of a fixed wing turbine powered aircraft; and
3022 (B) the parts that comprise an onboard system of a fixed wing turbine powered aircraft;
3023 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered aircraft
3024 engine;
3025 (iii) perform at least the following maintenance on a fixed wing turbine powered
3026 aircraft:
3027 (A) an inspection;
3028 (B) a repair, including a structural repair or modification;
3029 (C) changing landing gear; and
3030 (D) addressing issues related to an aging fixed wing turbine powered aircraft;

3031 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft and
3032 completely apply new paint to the fixed wing turbine powered aircraft; and

3033 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that
3034 results in a change in the fixed wing turbine powered aircraft's certification requirements by the
3035 authority that certifies the fixed wing turbine powered aircraft.

3036 (10) "Alcoholic beverage" means a beverage that:

- 3037 (a) is suitable for human consumption; and
3038 (b) contains .5% or more alcohol by volume.

3039 (11) "Alternative energy" means:

- 3040 (a) biomass energy;
3041 (b) geothermal energy;
3042 (c) hydroelectric energy;
3043 (d) solar energy;
3044 (e) wind energy; or
3045 (f) energy that is derived from:
3046 (i) coal-to-liquids;
3047 (ii) nuclear fuel;
3048 (iii) oil-impregnated diatomaceous earth;
3049 (iv) oil sands;
3050 (v) oil shale;
3051 (vi) petroleum coke; or
3052 (vii) waste heat from:
3053 (A) an industrial facility; or
3054 (B) a power station in which an electric generator is driven through a process in which
3055 water is heated, turns into steam, and spins a steam turbine.

3056 (12) (a) Subject to Subsection (12)(b), "alternative energy electricity production
3057 facility" means a facility that:

- 3058 (i) uses alternative energy to produce electricity; and
3059 (ii) has a production capacity of two megawatts or greater.

3060 (b) A facility is an alternative energy electricity production facility regardless of
3061 whether the facility is:

3062 (i) connected to an electric grid; or

3063 (ii) located on the premises of an electricity consumer.

3064 (13) (a) "Ancillary service" means a service associated with, or incidental to, the
3065 provision of telecommunications service.

3066 (b) "Ancillary service" includes:

3067 (i) a conference bridging service;

3068 (ii) a detailed communications billing service;

3069 (iii) directory assistance;

3070 (iv) a vertical service; or

3071 (v) a voice mail service.

3072 (14) "Area agency on aging" means the same as that term is defined in Section
3073 [62A-3-101](#).

3074 (15) "Assisted amusement device" means an amusement device, skill device, or ride
3075 device that is started and stopped by an individual:

3076 (a) who is not the purchaser or renter of the right to use or operate the amusement
3077 device, skill device, or ride device; and

3078 (b) at the direction of the seller of the right to use the amusement device, skill device,
3079 or ride device.

3080 (16) "Assisted cleaning or washing of tangible personal property" means cleaning or
3081 washing of tangible personal property if the cleaning or washing labor is primarily performed
3082 by an individual:

3083 (a) who is not the purchaser of the cleaning or washing of the tangible personal
3084 property; and

3085 (b) at the direction of the seller of the cleaning or washing of the tangible personal
3086 property.

3087 (17) "Authorized carrier" means:

3088 (a) in the case of vehicles operated over public highways, the holder of credentials
3089 indicating that the vehicle is or will be operated pursuant to both the International Registration
3090 Plan and the International Fuel Tax Agreement;

3091 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating
3092 certificate or air carrier's operating certificate; or

3093 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling
3094 stock, a person who uses locomotives, freight cars, railroad work equipment, or other rolling
3095 stock in more than one state.

3096 (18) (a) Except as provided in Subsection (18)(b), "biomass energy" means any of the
3097 following that is used as the primary source of energy to produce fuel or electricity:

3098 (i) material from a plant or tree; or

3099 (ii) other organic matter that is available on a renewable basis, including:

3100 (A) slash and brush from forests and woodlands;

3101 (B) animal waste;

3102 (C) waste vegetable oil;

3103 (D) methane or synthetic gas produced at a landfill, as a byproduct of the treatment of
3104 wastewater residuals, or through the conversion of a waste material through a nonincineration,
3105 thermal conversion process;

3106 (E) aquatic plants; and

3107 (F) agricultural products.

3108 (b) "Biomass energy" does not include:

3109 (i) black liquor; or

3110 (ii) treated woods.

3111 (19) (a) "Bundled transaction" means the sale of two or more items of tangible personal
3112 property, products, or services if the tangible personal property, products, or services are:

3113 (i) distinct and identifiable; and

3114 (ii) sold for one nonitemized price.

3115 (b) "Bundled transaction" does not include:

3116 (i) the sale of tangible personal property if the sales price varies, or is negotiable, on
3117 the basis of the selection by the purchaser of the items of tangible personal property included in
3118 the transaction;

3119 (ii) the sale of real property;

3120 (iii) the sale of services to real property;

3121 (iv) the retail sale of tangible personal property and a service if:

3122 (A) the tangible personal property:

3123 (I) is essential to the use of the service; and

3124 (II) is provided exclusively in connection with the service; and
 3125 (B) the service is the true object of the transaction;
 3126 (v) the retail sale of two services if:
 3127 (A) one service is provided that is essential to the use or receipt of a second service;
 3128 (B) the first service is provided exclusively in connection with the second service; and
 3129 (C) the second service is the true object of the transaction;
 3130 (vi) a transaction that includes tangible personal property or a product subject to
 3131 taxation under this chapter and tangible personal property or a product that is not subject to
 3132 taxation under this chapter if the:
 3133 (A) seller's purchase price of the tangible personal property or product subject to
 3134 taxation under this chapter is de minimis; or
 3135 (B) seller's sales price of the tangible personal property or product subject to taxation
 3136 under this chapter is de minimis; and
 3137 (vii) the retail sale of tangible personal property that is not subject to taxation under
 3138 this chapter and tangible personal property that is subject to taxation under this chapter if:
 3139 (A) that retail sale includes:
 3140 (I) food and food ingredients;
 3141 (II) a drug;
 3142 (III) durable medical equipment;
 3143 (IV) mobility enhancing equipment;
 3144 (V) an over-the-counter drug;
 3145 (VI) a prosthetic device; or
 3146 (VII) a medical supply; and
 3147 (B) subject to Subsection (19)(f):
 3148 (I) the seller's purchase price of the tangible personal property subject to taxation under
 3149 this chapter is 50% or less of the seller's total purchase price of that retail sale; or
 3150 (II) the seller's sales price of the tangible personal property subject to taxation under
 3151 this chapter is 50% or less of the seller's total sales price of that retail sale.
 3152 (c) (i) For purposes of Subsection (19)(a)(i), tangible personal property, a product, or a
 3153 service that is distinct and identifiable does not include:
 3154 (A) packaging that:

3155 (I) accompanies the sale of the tangible personal property, product, or service; and
3156 (II) is incidental or immaterial to the sale of the tangible personal property, product, or
3157 service;

3158 (B) tangible personal property, a product, or a service provided free of charge with the
3159 purchase of another item of tangible personal property, a product, or a service; or

3160 (C) an item of tangible personal property, a product, or a service included in the
3161 definition of "purchase price."

3162 (ii) For purposes of Subsection (19)(c)(i)(B), an item of tangible personal property, a
3163 product, or a service is provided free of charge with the purchase of another item of tangible
3164 personal property, a product, or a service if the sales price of the purchased item of tangible
3165 personal property, product, or service does not vary depending on the inclusion of the tangible
3166 personal property, product, or service provided free of charge.

3167 (d) (i) For purposes of Subsection (19)(a)(ii), property sold for one nonitemized price
3168 does not include a price that is separately identified by tangible personal property, product, or
3169 service on the following, regardless of whether the following is in paper format or electronic
3170 format:

3171 (A) a binding sales document; or

3172 (B) another supporting sales-related document that is available to a purchaser.

3173 (ii) For purposes of Subsection (19)(d)(i), a binding sales document or another
3174 supporting sales-related document that is available to a purchaser includes:

3175 (A) a bill of sale;

3176 (B) a contract;

3177 (C) an invoice;

3178 (D) a lease agreement;

3179 (E) a periodic notice of rates and services;

3180 (F) a price list;

3181 (G) a rate card;

3182 (H) a receipt; or

3183 (I) a service agreement.

3184 (e) (i) For purposes of Subsection (19)(b)(vi), the sales price of tangible personal
3185 property or a product subject to taxation under this chapter is de minimis if:

3186 (A) the seller's purchase price of the tangible personal property or product is 10% or
3187 less of the seller's total purchase price of the bundled transaction; or

3188 (B) the seller's sales price of the tangible personal property or product is 10% or less of
3189 the seller's total sales price of the bundled transaction.

3190 (ii) For purposes of Subsection (19)(b)(vi), a seller:

3191 (A) shall use the seller's purchase price or the seller's sales price to determine if the
3192 purchase price or sales price of the tangible personal property or product subject to taxation
3193 under this chapter is de minimis; and

3194 (B) may not use a combination of the seller's purchase price and the seller's sales price
3195 to determine if the purchase price or sales price of the tangible personal property or product
3196 subject to taxation under this chapter is de minimis.

3197 (iii) For purposes of Subsection (19)(b)(vi), a seller shall use the full term of a service
3198 contract to determine if the sales price of tangible personal property or a product is de minimis.

3199 (f) For purposes of Subsection (19)(b)(vii)(B), a seller may not use a combination of
3200 the seller's purchase price and the seller's sales price to determine if tangible personal property
3201 subject to taxation under this chapter is 50% or less of the seller's total purchase price or sales
3202 price of that retail sale.

3203 (20) "Certified automated system" means software certified by the governing board of
3204 the agreement that:

3205 (a) calculates the agreement sales and use tax imposed within a local taxing
3206 jurisdiction:

3207 (i) on a transaction; and

3208 (ii) in the states that are members of the agreement;

3209 (b) determines the amount of agreement sales and use tax to remit to a state that is a
3210 member of the agreement; and

3211 (c) maintains a record of the transaction described in Subsection (20)(a)(i).

3212 (21) "Certified service provider" means an agent certified:

3213 (a) by the governing board of the agreement; and

3214 (b) to perform a seller's sales and use tax functions for an agreement sales and use tax,
3215 as outlined in the contract between the governing board of the agreement and the certified
3216 service provider, other than the seller's obligation under Section 59-12-124 to remit a tax on the

3217 seller's own purchases.

3218 (22) (a) Subject to Subsection (22)(b), "clothing" means all human wearing apparel
3219 suitable for general use.

3220 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3221 commission shall make rules:

3222 (i) listing the items that constitute "clothing"; and

3223 (ii) that are consistent with the list of items that constitute "clothing" under the
3224 agreement.

3225 (23) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.

3226 (24) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other
3227 fuels that does not constitute industrial use under Subsection (57) or residential use under
3228 Subsection (112).

3229 (25) (a) "Common carrier" means a person engaged in or transacting the business of
3230 transporting passengers, freight, merchandise, or other property for hire within this state.

3231 (b) (i) "Common carrier" does not include a person that, at the time the person is
3232 traveling to or from that person's place of employment, transports a passenger to or from the
3233 passenger's place of employment.

3234 (ii) For purposes of Subsection (25)(b)(i), in accordance with Title 63G, Chapter 3,
3235 Utah Administrative Rulemaking Act, the commission may make rules defining what
3236 constitutes a person's place of employment.

3237 (c) "Common carrier" does not include a person that provides transportation network
3238 services, as defined in Section [13-51-102](#).

3239 (26) "Component part" includes:

3240 (a) poultry, dairy, and other livestock feed, and their components;

3241 (b) baling ties and twine used in the baling of hay and straw;

3242 (c) fuel used for providing temperature control of orchards and commercial
3243 greenhouses doing a majority of their business in wholesale sales, and for providing power for
3244 off-highway type farm machinery; and

3245 (d) feed, seeds, and seedlings.

3246 (27) "Computer" means an electronic device that accepts information:

3247 (a) (i) in digital form; or

- 3248 (ii) in a form similar to digital form; and
- 3249 (b) manipulates that information for a result based on a sequence of instructions.
- 3250 (28) "Computer software" means a set of coded instructions designed to cause:
- 3251 (a) a computer to perform a task; or
- 3252 (b) automatic data processing equipment to perform a task.
- 3253 (29) "Computer software maintenance contract" means a contract that obligates a seller
- 3254 of computer software to provide a customer with:
- 3255 (a) future updates or upgrades to computer software;
- 3256 (b) support services with respect to computer software; or
- 3257 (c) a combination of Subsections (29)(a) and (b).
- 3258 (30) (a) "Conference bridging service" means an ancillary service that links two or
- 3259 more participants of an audio conference call or video conference call.
- 3260 (b) "Conference bridging service" may include providing a telephone number as part of
- 3261 the ancillary service described in Subsection (30)(a).
- 3262 (c) "Conference bridging service" does not include a telecommunications service used
- 3263 to reach the ancillary service described in Subsection (30)(a).
- 3264 (31) "Construction materials" means any tangible personal property that will be
- 3265 converted into real property.
- 3266 (32) "Delivered electronically" means delivered to a purchaser by means other than
- 3267 tangible storage media.
- 3268 (33) (a) "Delivery charge" means a charge:
- 3269 (i) by a seller of:
- 3270 (A) tangible personal property;
- 3271 (B) a product transferred electronically; or
- 3272 (C) a service; and
- 3273 (ii) for preparation and delivery of the tangible personal property, product transferred
- 3274 electronically, or services described in Subsection (33)(a)(i) to a location designated by the
- 3275 purchaser.
- 3276 (b) "Delivery charge" includes a charge for the following:
- 3277 (i) transportation;
- 3278 (ii) shipping;

- 3279 (iii) postage;
3280 (iv) handling;
3281 (v) crating; or
3282 (vi) packing.
- 3283 (34) "Detailed telecommunications billing service" means an ancillary service of
3284 separately stating information pertaining to individual calls on a customer's billing statement.
- 3285 (35) "Dietary supplement" means a product, other than tobacco, that:
3286 (a) is intended to supplement the diet;
3287 (b) contains one or more of the following dietary ingredients:
3288 (i) a vitamin;
3289 (ii) a mineral;
3290 (iii) an herb or other botanical;
3291 (iv) an amino acid;
3292 (v) a dietary substance for use by humans to supplement the diet by increasing the total
3293 dietary intake; or
3294 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
3295 described in Subsections (35)(b)(i) through (v);
3296 (c) (i) except as provided in Subsection (35)(c)(ii), is intended for ingestion in:
3297 (A) tablet form;
3298 (B) capsule form;
3299 (C) powder form;
3300 (D) softgel form;
3301 (E) gelcap form; or
3302 (F) liquid form; or
3303 (ii) if the product is not intended for ingestion in a form described in Subsections
3304 (35)(c)(i)(A) through (F), is not represented:
3305 (A) as conventional food; and
3306 (B) for use as a sole item of:
3307 (I) a meal; or
3308 (II) the diet; and
3309 (d) is required to be labeled as a dietary supplement:

- 3310 (i) identifiable by the "Supplemental Facts" box found on the label; and
3311 (ii) as required by 21 C.F.R. Sec. 101.36.
- 3312 (36) (a) "Digital audio work" means a work that results from the fixation of a series of
3313 musical, spoken, or other sounds.
- 3314 (b) "Digital audio work" includes a ringtone.
- 3315 (37) "Digital audio-visual work" means a series of related images which, when shown
3316 in succession, imparts an impression of motion, together with accompanying sounds, if any.
- 3317 (38) "Digital book" means a work that is generally recognized in the ordinary and usual
3318 sense as a book.
- 3319 (39) (a) "Direct mail" means printed material delivered or distributed by United States
3320 mail or other delivery service:
- 3321 (i) to:
- 3322 (A) a mass audience; or
- 3323 (B) addressees on a mailing list provided:
- 3324 (I) by a purchaser of the mailing list; or
- 3325 (II) at the discretion of the purchaser of the mailing list; and
- 3326 (ii) if the cost of the printed material is not billed directly to the recipients.
- 3327 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a
3328 purchaser to a seller of direct mail for inclusion in a package containing the printed material.
- 3329 (c) "Direct mail" does not include multiple items of printed material delivered to a
3330 single address.
- 3331 (40) "Directory assistance" means an ancillary service of providing:
- 3332 (a) address information; or
- 3333 (b) telephone number information.
- 3334 (41) (a) "Disposable home medical equipment or supplies" means medical equipment
3335 or supplies that:
- 3336 (i) cannot withstand repeated use; and
- 3337 (ii) are purchased by, for, or on behalf of a person other than:
- 3338 (A) a health care facility as defined in Section 26-21-2;
- 3339 (B) a health care provider as defined in Section 78B-3-403;
- 3340 (C) an office of a health care provider described in Subsection (41)(a)(ii)(B); or

- 3341 (D) a person similar to a person described in Subsections (41)(a)(ii)(A) through (C).
3342 (b) "Disposable home medical equipment or supplies" does not include:
3343 (i) a drug;
3344 (ii) durable medical equipment;
3345 (iii) a hearing aid;
3346 (iv) a hearing aid accessory;
3347 (v) mobility enhancing equipment; or
3348 (vi) tangible personal property used to correct impaired vision, including:
3349 (A) eyeglasses; or
3350 (B) contact lenses.
3351 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3352 commission may by rule define what constitutes medical equipment or supplies.
3353 (42) "Drilling equipment manufacturer" means a facility:
3354 (a) located in the state;
3355 (b) with respect to which 51% or more of the manufacturing activities of the facility
3356 consist of manufacturing component parts of drilling equipment;
3357 (c) that uses pressure of 800,000 or more pounds per square inch as part of the
3358 manufacturing process; and
3359 (d) that uses a temperature of 2,000 or more degrees Fahrenheit as part of the
3360 manufacturing process.
3361 (43) (a) "Drug" means a compound, substance, or preparation, or a component of a
3362 compound, substance, or preparation that is:
3363 (i) recognized in:
3364 (A) the official United States Pharmacopoeia;
3365 (B) the official Homeopathic Pharmacopoeia of the United States;
3366 (C) the official National Formulary; or
3367 (D) a supplement to a publication listed in Subsections (43)(a)(i)(A) through (C);
3368 (ii) intended for use in the:
3369 (A) diagnosis of disease;
3370 (B) cure of disease;
3371 (C) mitigation of disease;

3372 (D) treatment of disease; or
3373 (E) prevention of disease; or
3374 (iii) intended to affect:
3375 (A) the structure of the body; or
3376 (B) any function of the body.
3377 (b) "Drug" does not include:
3378 (i) food and food ingredients;
3379 (ii) a dietary supplement;
3380 (iii) an alcoholic beverage; or
3381 (iv) a prosthetic device.
3382 (44) (a) Except as provided in Subsection (44)(c), "durable medical equipment" means
3383 equipment that:
3384 (i) can withstand repeated use;
3385 (ii) is primarily and customarily used to serve a medical purpose;
3386 (iii) generally is not useful to a person in the absence of illness or injury; and
3387 (iv) is not worn in or on the body.
3388 (b) "Durable medical equipment" includes parts used in the repair or replacement of the
3389 equipment described in Subsection (44)(a).
3390 (c) "Durable medical equipment" does not include mobility enhancing equipment.
3391 (45) "Electronic" means:
3392 (a) relating to technology; and
3393 (b) having:
3394 (i) electrical capabilities;
3395 (ii) digital capabilities;
3396 (iii) magnetic capabilities;
3397 (iv) wireless capabilities;
3398 (v) optical capabilities;
3399 (vi) electromagnetic capabilities; or
3400 (vii) capabilities similar to Subsections (45)(b)(i) through (vi).
3401 (46) "Electronic financial payment service" means an establishment:
3402 (a) within NAICS Code 522320, Financial Transactions Processing, Reserve, and

3403 Clearinghouse Activities, of the 2012 North American Industry Classification System of the
3404 federal Executive Office of the President, Office of Management and Budget; and
3405 (b) that performs electronic financial payment services.
3406 (47) "Employee" means the same as that term is defined in Section 59-10-401.
3407 (48) "Fixed guideway" means a public transit facility that uses and occupies:
3408 (a) rail for the use of public transit; or
3409 (b) a separate right-of-way for the use of public transit.
3410 (49) "Fixed wing turbine powered aircraft" means an aircraft that:
3411 (a) is powered by turbine engines;
3412 (b) operates on jet fuel; and
3413 (c) has wings that are permanently attached to the fuselage of the aircraft.
3414 (50) "Fixed wireless service" means a telecommunications service that provides radio
3415 communication between fixed points.
3416 (51) (a) "Food and food ingredients" means substances:
3417 (i) regardless of whether the substances are in:
3418 (A) liquid form;
3419 (B) concentrated form;
3420 (C) solid form;
3421 (D) frozen form;
3422 (E) dried form; or
3423 (F) dehydrated form; and
3424 (ii) that are:
3425 (A) sold for:
3426 (I) ingestion by humans; or
3427 (II) chewing by humans; and
3428 (B) consumed for the substance's:
3429 (I) taste; or
3430 (II) nutritional value.
3431 (b) "Food and food ingredients" includes an item described in Subsection (96)(b)(iii).
3432 (c) "Food and food ingredients" does not include:
3433 (i) an alcoholic beverage;

3434 (ii) tobacco; or
3435 (iii) prepared food.
3436 (52) (a) "Fundraising sales" means sales:
3437 (i) (A) made by a school; or
3438 (B) made by a school student;
3439 (ii) that are for the purpose of raising funds for the school to purchase equipment,
3440 materials, or provide transportation; and
3441 (iii) that are part of an officially sanctioned school activity.
3442 (b) For purposes of Subsection (52)(a)(iii), "officially sanctioned school activity"
3443 means a school activity:
3444 (i) that is conducted in accordance with a formal policy adopted by the school or school
3445 district governing the authorization and supervision of fundraising activities;
3446 (ii) that does not directly or indirectly compensate an individual teacher or other
3447 educational personnel by direct payment, commissions, or payment in kind; and
3448 (iii) the net or gross revenues from which are deposited in a dedicated account
3449 controlled by the school or school district.
3450 (53) "Geothermal energy" means energy contained in heat that continuously flows
3451 outward from the earth that is used as the sole source of energy to produce electricity.
3452 (54) "Governing board of the agreement" means the governing board of the agreement
3453 that is:
3454 (a) authorized to administer the agreement; and
3455 (b) established in accordance with the agreement.
3456 (55) (a) For purposes of Subsection 59-12-104(41), "governmental entity" means:
3457 (i) the executive branch of the state, including all departments, institutions, boards,
3458 divisions, bureaus, offices, commissions, and committees;
3459 (ii) the judicial branch of the state, including the courts, the Judicial Council, the
3460 Administrative Office of the Courts, and similar administrative units in the judicial branch;
3461 (iii) the legislative branch of the state, including the House of Representatives, the
3462 Senate, the Legislative Printing Office, the Office of Legislative Research and General
3463 Counsel, the Office of the Legislative Auditor General, and the Office of the Legislative Fiscal
3464 Analyst;

3465 (iv) the National Guard;
3466 (v) an independent entity as defined in Section 63E-1-102; or
3467 (vi) a political subdivision as defined in Section 17B-1-102.
3468 (b) "Governmental entity" does not include the state systems of public and higher
3469 education, including:
3470 (i) a school;
3471 (ii) the State Board of Education;
3472 (iii) the Utah Board of Higher Education; or
3473 (iv) an institution of higher education described in Section 53B-1-102.
3474 (56) "Hydroelectric energy" means water used as the sole source of energy to produce
3475 electricity.
3476 (57) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or
3477 other fuels:
3478 (a) in mining or extraction of minerals;
3479 (b) in agricultural operations to produce an agricultural product up to the time of
3480 harvest or placing the agricultural product into a storage facility, including:
3481 (i) commercial greenhouses;
3482 (ii) irrigation pumps;
3483 (iii) farm machinery;
3484 (iv) implements of husbandry as defined in Section 41-1a-102 that are not registered
3485 under Title 41, Chapter 1a, Part 2, Registration; and
3486 (v) other farming activities;
3487 (c) in manufacturing tangible personal property at an establishment described in:
3488 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
3489 the federal Executive Office of the President, Office of Management and Budget; or
3490 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
3491 American Industry Classification System of the federal Executive Office of the President,
3492 Office of Management and Budget;
3493 (d) by a scrap recycler if:
3494 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process
3495 one or more of the following items into prepared grades of processed materials for use in new

3496 products:

3497 (A) iron;

3498 (B) steel;

3499 (C) nonferrous metal;

3500 (D) paper;

3501 (E) glass;

3502 (F) plastic;

3503 (G) textile; or

3504 (H) rubber; and

3505 (ii) the new products under Subsection (57)(d)(i) would otherwise be made with

3506 nonrecycled materials; or

3507 (e) in producing a form of energy or steam described in Subsection 54-2-1(3)(a) by a

3508 cogeneration facility as defined in Section 54-2-1.

3509 (58) (a) Except as provided in Subsection (58)(b), "installation charge" means a charge

3510 for installing:

3511 (i) tangible personal property; or

3512 (ii) a product transferred electronically.

3513 (b) "Installation charge" does not include a charge for:

3514 (i) repairs or renovations of:

3515 (A) tangible personal property; or

3516 (B) a product transferred electronically; or

3517 (ii) attaching tangible personal property or a product transferred electronically:

3518 (A) to other tangible personal property; and

3519 (B) as part of a manufacturing or fabrication process.

3520 (59) "Institution of higher education" means an institution of higher education listed in

3521 Section 53B-2-101.

3522 (60) (a) "Lease" or "rental" means a transfer of possession or control of tangible

3523 personal property or a product transferred electronically for:

3524 (i) (A) a fixed term; or

3525 (B) an indeterminate term; and

3526 (ii) consideration.

3527 (b) "Lease" or "rental" includes an agreement covering a motor vehicle and trailer if the
3528 amount of consideration may be increased or decreased by reference to the amount realized
3529 upon sale or disposition of the property as defined in Section 7701(h)(1), Internal Revenue
3530 Code.

3531 (c) "Lease" or "rental" does not include:

3532 (i) a transfer of possession or control of property under a security agreement or
3533 deferred payment plan that requires the transfer of title upon completion of the required
3534 payments;

3535 (ii) a transfer of possession or control of property under an agreement that requires the
3536 transfer of title:

3537 (A) upon completion of required payments; and

3538 (B) if the payment of an option price does not exceed the greater of:

3539 (I) \$100; or

3540 (II) 1% of the total required payments; or

3541 (iii) providing tangible personal property along with an operator for a fixed period of
3542 time or an indeterminate period of time if the operator is necessary for equipment to perform as
3543 designed.

3544 (d) For purposes of Subsection (60)(c)(iii), an operator is necessary for equipment to
3545 perform as designed if the operator's duties exceed the:

3546 (i) set-up of tangible personal property;

3547 (ii) maintenance of tangible personal property; or

3548 (iii) inspection of tangible personal property.

3549 (61) "Lesson" means a fixed period of time for the duration of which a trained
3550 instructor:

3551 (a) is present with a student in person or by video; and

3552 (b) actively instructs the student, including by providing observation or feedback.

3553 (62) "Life science establishment" means an establishment in this state that is classified
3554 under the following NAICS codes of the 2007 North American Industry Classification System
3555 of the federal Executive Office of the President, Office of Management and Budget:

3556 (a) NAICS Code 33911, Medical Equipment and Supplies Manufacturing;

3557 (b) NAICS Code 334510, Electromedical and Electrotherapeutic Apparatus

3558 Manufacturing; or
 3559 (c) NAICS Code 334517, Irradiation Apparatus Manufacturing.
 3560 (63) "Life science research and development facility" means a facility owned, leased,
 3561 or rented by a life science establishment if research and development is performed in 51% or
 3562 more of the total area of the facility.
 3563 (64) "Load and leave" means delivery to a purchaser by use of a tangible storage media
 3564 if the tangible storage media is not physically transferred to the purchaser.
 3565 (65) "Local taxing jurisdiction" means a:
 3566 (a) county that is authorized to impose an agreement sales and use tax;
 3567 (b) city that is authorized to impose an agreement sales and use tax; or
 3568 (c) town that is authorized to impose an agreement sales and use tax.
 3569 (66) "Manufactured home" means the same as that term is defined in Section
 3570 [15A-1-302](#).
 3571 (67) "Manufacturing facility" means:
 3572 (a) an establishment described in:
 3573 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
 3574 the federal Executive Office of the President, Office of Management and Budget; or
 3575 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
 3576 American Industry Classification System of the federal Executive Office of the President,
 3577 Office of Management and Budget;
 3578 (b) a scrap recycler if:
 3579 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process
 3580 one or more of the following items into prepared grades of processed materials for use in new
 3581 products:
 3582 (A) iron;
 3583 (B) steel;
 3584 (C) nonferrous metal;
 3585 (D) paper;
 3586 (E) glass;
 3587 (F) plastic;
 3588 (G) textile; or

3589 (H) rubber; and

3590 (ii) the new products under Subsection (67)(b)(i) would otherwise be made with
3591 nonrecycled materials; or

3592 (c) a cogeneration facility as defined in Section 54-2-1 if the cogeneration facility is
3593 placed in service on or after May 1, 2006.

3594 (68) (a) "Marketplace" means a physical or electronic place, platform, or forum where
3595 tangible personal property, a product transferred electronically, or a service is offered for sale.

3596 (b) "Marketplace" includes a store, a booth, an Internet website, a catalog, or a
3597 dedicated sales software application.

3598 (69) (a) "Marketplace facilitator" means a person, including an affiliate of the person,
3599 that enters into a contract, an agreement, or otherwise with sellers, for consideration, to
3600 facilitate the sale of a seller's product through a marketplace that the person owns, operates, or
3601 controls and that directly or indirectly:

3602 (i) does any of the following:

3603 (A) lists, makes available, or advertises tangible personal property, a product
3604 transferred electronically, or a service for sale by a marketplace seller on a marketplace that the
3605 person owns, operates, or controls;

3606 (B) facilitates the sale of a marketplace seller's tangible personal property, product
3607 transferred electronically, or service by transmitting or otherwise communicating an offer or
3608 acceptance of a retail sale between the marketplace seller and a purchaser using the
3609 marketplace;

3610 (C) owns, rents, licenses, makes available, or operates any electronic or physical
3611 infrastructure or any property, process, method, copyright, trademark, or patent that connects a
3612 marketplace seller to a purchaser for the purpose of making a retail sale of tangible personal
3613 property, a product transferred electronically, or a service;

3614 (D) provides a marketplace for making, or otherwise facilitates, a retail sale of tangible
3615 personal property, a product transferred electronically, or a service, regardless of ownership or
3616 control of the tangible personal property, the product transferred electronically, or the service
3617 that is the subject of the retail sale;

3618 (E) provides software development or research and development activities related to
3619 any activity described in this Subsection (69)(a)(i), if the software development or research and

3620 development activity is directly related to the person's marketplace;
3621 (F) provides or offers fulfillment or storage services for a marketplace seller;
3622 (G) sets prices for the sale of tangible personal property, a product transferred
3623 electronically, or a service by a marketplace seller;
3624 (H) provides or offers customer service to a marketplace seller or a marketplace seller's
3625 purchaser or accepts or assists with taking orders, returns, or exchanges of tangible personal
3626 property, a product transferred electronically, or a service sold by a marketplace seller on the
3627 person's marketplace; or
3628 (I) brands or otherwise identifies sales as those of the person; and
3629 (ii) does any of the following:
3630 (A) collects the sales price or purchase price of a retail sale of tangible personal
3631 property, a product transferred electronically, or a service;
3632 (B) provides payment processing services for a retail sale of tangible personal property,
3633 a product transferred electronically, or a service;
3634 (C) charges, collects, or otherwise receives a selling fee, listing fee, referral fee, closing
3635 fee, a fee for inserting or making available tangible personal property, a product transferred
3636 electronically, or a service on the person's marketplace, or other consideration for the
3637 facilitation of a retail sale of tangible personal property, a product transferred electronically, or
3638 a service, regardless of ownership or control of the tangible personal property, the product
3639 transferred electronically, or the service that is the subject of the retail sale;
3640 (D) through terms and conditions, an agreement, or another arrangement with a third
3641 person, collects payment from a purchase for a retail sale of tangible personal property, a
3642 product transferred electronically, or a service and transmits that payment to the marketplace
3643 seller, regardless of whether the third person receives compensation or other consideration in
3644 exchange for the service; or
3645 (E) provides a virtual currency for a purchaser to use to purchase tangible personal
3646 property, a product transferred electronically, or service offered for sale.
3647 (b) "Marketplace facilitator" does not include:
3648 (i) a person that only provides payment processing services; or
3649 (ii) a person described in Subsection (69)(a) to the extent the person is facilitating a
3650 sale for a seller that is a restaurant as defined in Section [59-12-602](#).

3651 (70) "Marketplace seller" means a seller that makes one or more retail sales through a
3652 marketplace that a marketplace facilitator owns, operates, or controls, regardless of whether the
3653 seller is required to be registered to collect and remit the tax under this part.

3654 (71) "Member of the immediate family of the producer" means a person who is related
3655 to a producer described in Subsection 59-12-104(20)(a) as a:

3656 (a) child or stepchild, regardless of whether the child or stepchild is:

3657 (i) an adopted child or adopted stepchild; or

3658 (ii) a foster child or foster stepchild;

3659 (b) grandchild or stepgrandchild;

3660 (c) grandparent or stepgrandparent;

3661 (d) nephew or stepnephew;

3662 (e) niece or stepniece;

3663 (f) parent or stepparent;

3664 (g) sibling or stepsibling;

3665 (h) spouse;

3666 (i) person who is the spouse of a person described in Subsections (71)(a) through (g);

3667 or

3668 (j) person similar to a person described in Subsections (71)(a) through (i) as

3669 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah

3670 Administrative Rulemaking Act.

3671 (72) "Mobile home" means the same as that term is defined in Section 15A-1-302.

3672 (73) "Mobile telecommunications service" means the same as that term is defined in
3673 the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

3674 (74) (a) "Mobile wireless service" means a telecommunications service, regardless of
3675 the technology used, if:

3676 (i) the origination point of the conveyance, routing, or transmission is not fixed;

3677 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or

3678 (iii) the origination point described in Subsection (74)(a)(i) and the termination point
3679 described in Subsection (74)(a)(ii) are not fixed.

3680 (b) "Mobile wireless service" includes a telecommunications service that is provided
3681 by a commercial mobile radio service provider.

3682 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3683 commission may by rule define "commercial mobile radio service provider."

3684 (75) (a) Except as provided in Subsection (75)(c), "mobility enhancing equipment"
3685 means equipment that is:

3686 (i) primarily and customarily used to provide or increase the ability to move from one
3687 place to another;

3688 (ii) appropriate for use in a:

3689 (A) home; or

3690 (B) motor vehicle; and

3691 (iii) not generally used by persons with normal mobility.

3692 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of
3693 the equipment described in Subsection (75)(a).

3694 (c) "Mobility enhancing equipment" does not include:

3695 (i) a motor vehicle;

3696 (ii) equipment on a motor vehicle if that equipment is normally provided by the motor
3697 vehicle manufacturer;

3698 (iii) durable medical equipment; or

3699 (iv) a prosthetic device.

3700 (76) "Model 1 seller" means a seller registered under the agreement that has selected a
3701 certified service provider as the seller's agent to perform the seller's sales and use tax functions
3702 for agreement sales and use taxes, as outlined in the contract between the governing board of
3703 the agreement and the certified service provider, other than the seller's obligation under Section
3704 [59-12-124](#) to remit a tax on the seller's own purchases.

3705 (77) "Model 2 seller" means a seller registered under the agreement that:

3706 (a) except as provided in Subsection (77)(b), has selected a certified automated system
3707 to perform the seller's sales tax functions for agreement sales and use taxes; and

3708 (b) retains responsibility for remitting all of the sales tax:

3709 (i) collected by the seller; and

3710 (ii) to the appropriate local taxing jurisdiction.

3711 (78) (a) Subject to Subsection (78)(b), "model 3 seller" means a seller registered under
3712 the agreement that has:

- 3713 (i) sales in at least five states that are members of the agreement;
3714 (ii) total annual sales revenues of at least \$500,000,000;
3715 (iii) a proprietary system that calculates the amount of tax:
3716 (A) for an agreement sales and use tax; and
3717 (B) due to each local taxing jurisdiction; and
3718 (iv) entered into a performance agreement with the governing board of the agreement.
3719 (b) For purposes of Subsection (78)(a), "model 3 seller" includes an affiliated group of
3720 sellers using the same proprietary system.
3721 (79) "Model 4 seller" means a seller that is registered under the agreement and is not a
3722 model 1 seller, model 2 seller, or model 3 seller.
3723 (80) "Modular home" means a modular unit as defined in Section [15A-1-302](#).
3724 (81) "Motor vehicle" means the same as that term is defined in Section [41-1a-102](#).
3725 (82) "Oil sands" means impregnated bituminous sands that:
3726 (a) contain a heavy, thick form of petroleum that is released when heated, mixed with
3727 other hydrocarbons, or otherwise treated;
3728 (b) yield mixtures of liquid hydrocarbon; and
3729 (c) require further processing other than mechanical blending before becoming finished
3730 petroleum products.
3731 (83) "Oil shale" means a group of fine black to dark brown shales containing kerogen
3732 material that yields petroleum upon heating and distillation.
3733 (84) "Optional computer software maintenance contract" means a computer software
3734 maintenance contract that a customer is not obligated to purchase as a condition to the retail
3735 sale of computer software.
3736 (85) (a) "Other fuels" means products that burn independently to produce heat or
3737 energy.
3738 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible
3739 personal property.
3740 (86) (a) "Paging service" means a telecommunications service that provides
3741 transmission of a coded radio signal for the purpose of activating a specific pager.
3742 (b) For purposes of Subsection (86)(a), the transmission of a coded radio signal
3743 includes a transmission by message or sound.

- 3744 (87) "Pawnbroker" means the same as that term is defined in Section 13-32a-102.
- 3745 (88) "Pawn transaction" means the same as that term is defined in Section 13-32a-102.
- 3746 (89) (a) "Permanently attached to real property" means that for tangible personal
- 3747 property attached to real property:
- 3748 (i) the attachment of the tangible personal property to the real property:
- 3749 (A) is essential to the use of the tangible personal property; and
- 3750 (B) suggests that the tangible personal property will remain attached to the real
- 3751 property in the same place over the useful life of the tangible personal property; or
- 3752 (ii) if the tangible personal property is detached from the real property, the detachment
- 3753 would:
- 3754 (A) cause substantial damage to the tangible personal property; or
- 3755 (B) require substantial alteration or repair of the real property to which the tangible
- 3756 personal property is attached.
- 3757 (b) "Permanently attached to real property" includes:
- 3758 (i) the attachment of an accessory to the tangible personal property if the accessory is:
- 3759 (A) essential to the operation of the tangible personal property; and
- 3760 (B) attached only to facilitate the operation of the tangible personal property;
- 3761 (ii) a temporary detachment of tangible personal property from real property for a
- 3762 repair or renovation if the repair or renovation is performed where the tangible personal
- 3763 property and real property are located; or
- 3764 (iii) property attached to oil, gas, or water pipelines, except for the property listed in
- 3765 Subsection (89)(c)(iii) or (iv).
- 3766 (c) "Permanently attached to real property" does not include:
- 3767 (i) the attachment of portable or movable tangible personal property to real property if
- 3768 that portable or movable tangible personal property is attached to real property only for:
- 3769 (A) convenience;
- 3770 (B) stability; or
- 3771 (C) for an obvious temporary purpose;
- 3772 (ii) the detachment of tangible personal property from real property except for the
- 3773 detachment described in Subsection (89)(b)(ii);
- 3774 (iii) an attachment of the following tangible personal property to real property if the

3775 attachment to real property is only through a line that supplies water, electricity, gas,
3776 telecommunications, cable, or supplies a similar item as determined by the commission by rule
3777 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

3778 (A) a computer;

3779 (B) a telephone;

3780 (C) a television; or

3781 (D) tangible personal property similar to Subsections (89)(c)(iii)(A) through (C) as
3782 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
3783 Administrative Rulemaking Act; or

3784 (iv) an item listed in Subsection (130)(c).

3785 (90) "Person" includes any individual, firm, partnership, joint venture, association,
3786 corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city,
3787 municipality, district, or other local governmental entity of the state, or any group or
3788 combination acting as a unit.

3789 (91) "Place of primary use":

3790 (a) for telecommunications service other than mobile telecommunications service,
3791 means the street address representative of where the customer's use of the telecommunications
3792 service primarily occurs, which shall be:

3793 (i) the residential street address of the customer; or

3794 (ii) the primary business street address of the customer; or

3795 (b) for mobile telecommunications service, means the same as that term is defined in
3796 the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

3797 (92) (a) "Postpaid calling service" means a telecommunications service a person
3798 obtains by making a payment on a call-by-call basis:

3799 (i) through the use of a:

3800 (A) bank card;

3801 (B) credit card;

3802 (C) debit card; or

3803 (D) travel card; or

3804 (ii) by a charge made to a telephone number that is not associated with the origination
3805 or termination of the telecommunications service.

3806 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling
3807 service, that would be a prepaid wireless calling service if the service were exclusively a
3808 telecommunications service.

3809 (93) "Postproduction" means an activity related to the finishing or duplication of a
3810 medium described in Subsection 59-12-104(54)(a).

3811 (94) "Prepaid calling service" means a telecommunications service:

3812 (a) that allows a purchaser access to telecommunications service that is exclusively
3813 telecommunications service;

3814 (b) that:

3815 (i) is paid for in advance; and

3816 (ii) enables the origination of a call using an:

3817 (A) access number; or

3818 (B) authorization code;

3819 (c) that is dialed:

3820 (i) manually; or

3821 (ii) electronically; and

3822 (d) sold in predetermined units or dollars that decline:

3823 (i) by a known amount; and

3824 (ii) with use.

3825 (95) "Prepaid wireless calling service" means a telecommunications service:

3826 (a) that provides the right to utilize:

3827 (i) mobile wireless service; and

3828 (ii) other service that is not a telecommunications service, including:

3829 (A) the download of a product transferred electronically;

3830 (B) a content service; or

3831 (C) an ancillary service;

3832 (b) that:

3833 (i) is paid for in advance; and

3834 (ii) enables the origination of a call using an:

3835 (A) access number; or

3836 (B) authorization code;

- 3837 (c) that is dialed:
3838 (i) manually; or
3839 (ii) electronically; and
3840 (d) sold in predetermined units or dollars that decline:
3841 (i) by a known amount; and
3842 (ii) with use.
- 3843 (96) (a) "Prepared food" means:
3844 (i) food:
3845 (A) sold in a heated state; or
3846 (B) heated by a seller;
3847 (ii) two or more food ingredients mixed or combined by the seller for sale as a single
3848 item; or
3849 (iii) except as provided in Subsection (96)(c), food sold with an eating utensil provided
3850 by the seller, including a:
3851 (A) plate;
3852 (B) knife;
3853 (C) fork;
3854 (D) spoon;
3855 (E) glass;
3856 (F) cup;
3857 (G) napkin; or
3858 (H) straw.
- 3859 (b) "Prepared food" does not include:
3860 (i) food that a seller only:
3861 (A) cuts;
3862 (B) repackages; or
3863 (C) pasteurizes; or
3864 (ii) (A) the following:
3865 (I) raw egg;
3866 (II) raw fish;
3867 (III) raw meat;

3868 (IV) raw poultry; or
 3869 (V) a food containing an item described in Subsections (96)(b)(ii)(A)(I) through (IV);
 3870 and
 3871 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of the
 3872 Food and Drug Administration's Food Code that a consumer cook the items described in
 3873 Subsection (96)(b)(ii)(A) to prevent food borne illness; or
 3874 (iii) the following if sold without eating utensils provided by the seller:
 3875 (A) food and food ingredients sold by a seller if the seller's proper primary
 3876 classification under the 2002 North American Industry Classification System of the federal
 3877 Executive Office of the President, Office of Management and Budget, is manufacturing in
 3878 Sector 311, Food Manufacturing, except for Subsector 3118, Bakeries and Tortilla
 3879 Manufacturing;
 3880 (B) food and food ingredients sold in an unheated state:
 3881 (I) by weight or volume; and
 3882 (II) as a single item; or
 3883 (C) a bakery item, including:
 3884 (I) a bagel;
 3885 (II) a bar;
 3886 (III) a biscuit;
 3887 (IV) bread;
 3888 (V) a bun;
 3889 (VI) a cake;
 3890 (VII) a cookie;
 3891 (VIII) a croissant;
 3892 (IX) a danish;
 3893 (X) a donut;
 3894 (XI) a muffin;
 3895 (XII) a pastry;
 3896 (XIII) a pie;
 3897 (XIV) a roll;
 3898 (XV) a tart;

3899 (XVI) a torte; or
3900 (XVII) a tortilla.
3901 (c) An eating utensil provided by the seller does not include the following used to
3902 transport the food:
3903 (i) a container; or
3904 (ii) packaging.
3905 (97) "Prescription" means an order, formula, or recipe that is issued:
3906 (a) (i) orally;
3907 (ii) in writing;
3908 (iii) electronically; or
3909 (iv) by any other manner of transmission; and
3910 (b) by a licensed practitioner authorized by the laws of a state.
3911 (98) (a) Except as provided in Subsection (98)(b)(ii) or (iii), "prewritten computer
3912 software" means computer software that is not designed and developed:
3913 (i) by the author or other creator of the computer software; and
3914 (ii) to the specifications of a specific purchaser.
3915 (b) "Prewritten computer software" includes:
3916 (i) a prewritten upgrade to computer software if the prewritten upgrade to the computer
3917 software is not designed and developed:
3918 (A) by the author or other creator of the computer software; and
3919 (B) to the specifications of a specific purchaser;
3920 (ii) computer software designed and developed by the author or other creator of the
3921 computer software to the specifications of a specific purchaser if the computer software is sold
3922 to a person other than the purchaser; or
3923 (iii) except as provided in Subsection (98)(c), prewritten computer software or a
3924 prewritten portion of prewritten computer software:
3925 (A) that is modified or enhanced to any degree; and
3926 (B) if the modification or enhancement described in Subsection (98)(b)(iii)(A) is
3927 designed and developed to the specifications of a specific purchaser.
3928 (c) "Prewritten computer software" does not include a modification or enhancement
3929 described in Subsection (98)(b)(iii) if the charges for the modification or enhancement are:

3930 (i) reasonable; and
3931 (ii) subject to Subsections 59-12-103(2)(~~f~~)(f)(ii) and (2)(~~f~~)(g)(i), separately stated
3932 on the invoice or other statement of price provided to the purchaser at the time of sale or later,
3933 as demonstrated by:

3934 (A) the books and records the seller keeps at the time of the transaction in the regular
3935 course of business, including books and records the seller keeps at the time of the transaction in
3936 the regular course of business for nontax purposes;

3937 (B) a preponderance of the facts and circumstances at the time of the transaction; and
3938 (C) the understanding of all of the parties to the transaction.

3939 (99) (a) "Private communications service" means a telecommunications service:

3940 (i) that entitles a customer to exclusive or priority use of one or more communications
3941 channels between or among termination points; and
3942 (ii) regardless of the manner in which the one or more communications channels are
3943 connected.

3944 (b) "Private communications service" includes the following provided in connection
3945 with the use of one or more communications channels:

3946 (i) an extension line;
3947 (ii) a station;
3948 (iii) switching capacity; or
3949 (iv) another associated service that is provided in connection with the use of one or
3950 more communications channels as defined in Section 59-12-215.

3951 (100) (a) Except as provided in Subsection (100)(b), "product transferred
3952 electronically" means a product transferred electronically that would be subject to a tax under
3953 this chapter if that product was transferred in a manner other than electronically.

3954 (b) "Product transferred electronically" does not include:

3955 (i) an ancillary service;
3956 (ii) computer software; or
3957 (iii) a telecommunications service.

3958 (101) (a) "Prosthetic device" means a device that is worn on or in the body to:

3959 (i) artificially replace a missing portion of the body;
3960 (ii) prevent or correct a physical deformity or physical malfunction; or

- 3961 (iii) support a weak or deformed portion of the body.
- 3962 (b) "Prosthetic device" includes:
- 3963 (i) parts used in the repairs or renovation of a prosthetic device;
- 3964 (ii) replacement parts for a prosthetic device;
- 3965 (iii) a dental prosthesis; or
- 3966 (iv) a hearing aid.
- 3967 (c) "Prosthetic device" does not include:
- 3968 (i) corrective eyeglasses; or
- 3969 (ii) contact lenses.
- 3970 (102) (a) "Protective equipment" means an item:
- 3971 (i) for human wear; and
- 3972 (ii) that is:
- 3973 (A) designed as protection:
- 3974 (I) to the wearer against injury or disease; or
- 3975 (II) against damage or injury of other persons or property; and
- 3976 (B) not suitable for general use.
- 3977 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3978 commission shall make rules:
- 3979 (i) listing the items that constitute "protective equipment"; and
- 3980 (ii) that are consistent with the list of items that constitute "protective equipment"
- 3981 under the agreement.
- 3982 (103) (a) For purposes of Subsection 59-12-104(41), "publication" means any written
- 3983 or printed matter, other than a photocopy:
- 3984 (i) regardless of:
- 3985 (A) characteristics;
- 3986 (B) copyright;
- 3987 (C) form;
- 3988 (D) format;
- 3989 (E) method of reproduction; or
- 3990 (F) source; and
- 3991 (ii) made available in printed or electronic format.

3992 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 3993 commission may by rule define the term "photocopy."
 3994 (104) (a) "Purchase price" and "sales price" mean the total amount of consideration:
 3995 (i) valued in money; and
 3996 (ii) for which tangible personal property, a product transferred electronically, or
 3997 services are:
 3998 (A) sold;
 3999 (B) leased; or
 4000 (C) rented.
 4001 (b) "Purchase price" and "sales price" include:
 4002 (i) the seller's cost of the tangible personal property, a product transferred
 4003 electronically, or services sold;
 4004 (ii) expenses of the seller, including:
 4005 (A) the cost of materials used;
 4006 (B) a labor cost;
 4007 (C) a service cost;
 4008 (D) interest;
 4009 (E) a loss;
 4010 (F) the cost of transportation to the seller; or
 4011 (G) a tax imposed on the seller;
 4012 (iii) a charge by the seller for any service necessary to complete the sale; or
 4013 (iv) consideration a seller receives from a person other than the purchaser if:
 4014 (A) (I) the seller actually receives consideration from a person other than the purchaser;
 4015 and
 4016 (II) the consideration described in Subsection (104)(b)(iv)(A)(I) is directly related to a
 4017 price reduction or discount on the sale;
 4018 (B) the seller has an obligation to pass the price reduction or discount through to the
 4019 purchaser;
 4020 (C) the amount of the consideration attributable to the sale is fixed and determinable by
 4021 the seller at the time of the sale to the purchaser; and
 4022 (D) (I) (Aa) the purchaser presents a certificate, coupon, or other documentation to the

4023 seller to claim a price reduction or discount; and
4024 (Bb) a person other than the seller authorizes, distributes, or grants the certificate,
4025 coupon, or other documentation with the understanding that the person other than the seller
4026 will reimburse any seller to whom the certificate, coupon, or other documentation is presented;
4027 (II) the purchaser identifies that purchaser to the seller as a member of a group or
4028 organization allowed a price reduction or discount, except that a preferred customer card that is
4029 available to any patron of a seller does not constitute membership in a group or organization
4030 allowed a price reduction or discount; or
4031 (III) the price reduction or discount is identified as a third party price reduction or
4032 discount on the:
4033 (Aa) invoice the purchaser receives; or
4034 (Bb) certificate, coupon, or other documentation the purchaser presents.
4035 (c) "Purchase price" and "sales price" do not include:
4036 (i) a discount:
4037 (A) in a form including:
4038 (I) cash;
4039 (II) term; or
4040 (III) coupon;
4041 (B) that is allowed by a seller;
4042 (C) taken by a purchaser on a sale; and
4043 (D) that is not reimbursed by a third party; or
4044 (ii) subject to Subsections 59-12-103(2)(~~f~~)(f)(ii) and (2)(~~f~~)(g)(i), the following if
4045 separately stated on an invoice, bill of sale, or similar document provided to the purchaser at
4046 the time of sale or later, as demonstrated by the books and records the seller keeps at the time
4047 of the transaction in the regular course of business, including books and records the seller
4048 keeps at the time of the transaction in the regular course of business for nontax purposes, by a
4049 preponderance of the facts and circumstances at the time of the transaction, and by the
4050 understanding of all of the parties to the transaction:
4051 (A) the following from credit extended on the sale of tangible personal property or
4052 services:
4053 (I) a carrying charge;

4054 (II) a financing charge; or
 4055 (III) an interest charge;
 4056 (B) a delivery charge;
 4057 (C) an installation charge;
 4058 (D) a manufacturer rebate on a motor vehicle; or
 4059 (E) a tax or fee legally imposed directly on the consumer.
 4060 (105) "Purchaser" means a person to whom:
 4061 (a) a sale of tangible personal property is made;
 4062 (b) a product is transferred electronically; or
 4063 (c) a service is furnished.
 4064 (106) "Qualifying data center" means a data center facility that:
 4065 (a) houses a group of networked server computers in one physical location in order to
 4066 disseminate, manage, and store data and information;
 4067 (b) is located in the state;
 4068 (c) is a new operation constructed on or after July 1, 2016;
 4069 (d) consists of one or more buildings that total 150,000 or more square feet;
 4070 (e) is owned or leased by:
 4071 (i) the operator of the data center facility; or
 4072 (ii) a person under common ownership, as defined in Section 59-7-101, of the operator
 4073 of the data center facility; and
 4074 (f) is located on one or more parcels of land that are owned or leased by:
 4075 (i) the operator of the data center facility; or
 4076 (ii) a person under common ownership, as defined in Section 59-7-101, of the operator
 4077 of the data center facility.
 4078 (107) "Regularly rented" means:
 4079 (a) rented to a guest for value three or more times during a calendar year; or
 4080 (b) advertised or held out to the public as a place that is regularly rented to guests for
 4081 value.
 4082 (108) "Rental" means the same as that term is defined in Subsection (60).
 4083 (109) (a) Except as provided in Subsection (109)(b), "repairs or renovations of tangible
 4084 personal property" means:

4085 (i) a repair or renovation of tangible personal property that is not permanently attached
4086 to real property; or

4087 (ii) attaching tangible personal property or a product transferred electronically to other
4088 tangible personal property or detaching tangible personal property or a product transferred
4089 electronically from other tangible personal property if:

4090 (A) the other tangible personal property to which the tangible personal property or
4091 product transferred electronically is attached or from which the tangible personal property or
4092 product transferred electronically is detached is not permanently attached to real property; and

4093 (B) the attachment of tangible personal property or a product transferred electronically
4094 to other tangible personal property or detachment of tangible personal property or a product
4095 transferred electronically from other tangible personal property is made in conjunction with a
4096 repair or replacement of tangible personal property or a product transferred electronically.

4097 (b) "Repairs or renovations of tangible personal property" does not include:

4098 (i) attaching prewritten computer software to other tangible personal property if the
4099 other tangible personal property to which the prewritten computer software is attached is not
4100 permanently attached to real property; or

4101 (ii) detaching prewritten computer software from other tangible personal property if the
4102 other tangible personal property from which the prewritten computer software is detached is
4103 not permanently attached to real property.

4104 (110) "Research and development" means the process of inquiry or experimentation
4105 aimed at the discovery of facts, devices, technologies, or applications and the process of
4106 preparing those devices, technologies, or applications for marketing.

4107 (111) (a) "Residential telecommunications services" means a telecommunications
4108 service or an ancillary service that is provided to an individual for personal use:

4109 (i) at a residential address; or

4110 (ii) at an institution, including a nursing home or a school, if the telecommunications
4111 service or ancillary service is provided to and paid for by the individual residing at the
4112 institution rather than the institution.

4113 (b) For purposes of Subsection (111)(a)(i), a residential address includes an:

4114 (i) apartment; or

4115 (ii) other individual dwelling unit.

4116 (112) "Residential use" means the use in or around a home, apartment building,
4117 sleeping quarters, and similar facilities or accommodations.

4118 (113) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose other
4119 than:

4120 (a) resale;

4121 (b) sublease; or

4122 (c) subrent.

4123 (114) (a) "Retailer" means any person, unless prohibited by the Constitution of the
4124 United States or federal law, that is engaged in a regularly organized business in tangible
4125 personal property or any other taxable transaction under Subsection 59-12-103(1), and who is
4126 selling to the user or consumer and not for resale.

4127 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly
4128 engaged in the business of selling to users or consumers within the state.

4129 (115) (a) "Sale" means any transfer of title, exchange, or barter, conditional or
4130 otherwise, in any manner, of tangible personal property or any other taxable transaction under
4131 Subsection 59-12-103(1), for consideration.

4132 (b) "Sale" includes:

4133 (i) installment and credit sales;

4134 (ii) any closed transaction constituting a sale;

4135 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this
4136 chapter;

4137 (iv) any transaction if the possession of property is transferred but the seller retains the
4138 title as security for the payment of the price; and

4139 (v) any transaction under which right to possession, operation, or use of any article of
4140 tangible personal property is granted under a lease or contract and the transfer of possession
4141 would be taxable if an outright sale were made.

4142 (116) "Sale at retail" means the same as that term is defined in Subsection (113).

4143 (117) "Sale-leaseback transaction" means a transaction by which title to tangible
4144 personal property or a product transferred electronically that is subject to a tax under this
4145 chapter is transferred:

4146 (a) by a purchaser-lessee;

4147 (b) to a lessor;
4148 (c) for consideration; and
4149 (d) if:
4150 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial purchase
4151 of the tangible personal property or product transferred electronically;
4152 (ii) the sale of the tangible personal property or product transferred electronically to the
4153 lessor is intended as a form of financing:
4154 (A) for the tangible personal property or product transferred electronically; and
4155 (B) to the purchaser-lessee; and
4156 (iii) in accordance with generally accepted accounting principles, the purchaser-lessee
4157 is required to:
4158 (A) capitalize the tangible personal property or product transferred electronically for
4159 financial reporting purposes; and
4160 (B) account for the lease payments as payments made under a financing arrangement.
4161 (118) "Sales price" means the same as that term is defined in Subsection (104).
4162 (119) (a) "Sales relating to schools" means the following sales by, amounts paid to, or
4163 amounts charged by a school:
4164 (i) sales that are directly related to the school's educational functions or activities
4165 including:
4166 (A) the sale of:
4167 (I) textbooks;
4168 (II) textbook fees;
4169 (III) laboratory fees;
4170 (IV) laboratory supplies; or
4171 (V) safety equipment;
4172 (B) the sale of a uniform, protective equipment, or sports or recreational equipment
4173 that:
4174 (I) a student is specifically required to wear as a condition of participation in a
4175 school-related event or school-related activity; and
4176 (II) is not readily adaptable to general or continued usage to the extent that it takes the
4177 place of ordinary clothing;

4178 (C) sales of the following if the net or gross revenues generated by the sales are
 4179 deposited into a school district fund or school fund dedicated to school meals:
 4180 (I) food and food ingredients; or
 4181 (II) prepared food; or
 4182 (D) transportation charges for official school activities; or
 4183 (ii) amounts paid to or amounts charged by a school for admission to a school-related
 4184 event or school-related activity.
 4185 (b) "Sales relating to schools" does not include:
 4186 (i) bookstore sales of items that are not educational materials or supplies;
 4187 (ii) except as provided in Subsection (119)(a)(i)(B):
 4188 (A) clothing;
 4189 (B) clothing accessories or equipment;
 4190 (C) protective equipment; or
 4191 (D) sports or recreational equipment; or
 4192 (iii) amounts paid to or amounts charged by a school for admission to a school-related
 4193 event or school-related activity if the amounts paid or charged are passed through to a person:
 4194 (A) other than a:
 4195 (I) school;
 4196 (II) nonprofit organization authorized by a school board or a governing body of a
 4197 private school to organize and direct a competitive secondary school activity; or
 4198 (III) nonprofit association authorized by a school board or a governing body of a
 4199 private school to organize and direct a competitive secondary school activity; and
 4200 (B) that is required to collect sales and use taxes under this chapter.
 4201 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 4202 commission may make rules defining the term "passed through."
 4203 (120) For purposes of this section and Section 59-12-104, "school" means:
 4204 (a) an elementary school or a secondary school that:
 4205 (i) is a:
 4206 (A) public school; or
 4207 (B) private school; and
 4208 (ii) provides instruction for one or more grades kindergarten through 12; or

- 4209 (b) a public school district.
- 4210 (121) (a) "Seller" means a person that makes a sale, lease, or rental of:
- 4211 (i) tangible personal property;
- 4212 (ii) a product transferred electronically; or
- 4213 (iii) a service.
- 4214 (b) "Seller" includes a marketplace facilitator.
- 4215 (122) (a) "Semiconductor fabricating, processing, research, or development materials"
- 4216 means tangible personal property or a product transferred electronically if the tangible personal
- 4217 property or product transferred electronically is:
- 4218 (i) used primarily in the process of:
- 4219 (A) (I) manufacturing a semiconductor;
- 4220 (II) fabricating a semiconductor; or
- 4221 (III) research or development of a:
- 4222 (Aa) semiconductor; or
- 4223 (Bb) semiconductor manufacturing process; or
- 4224 (B) maintaining an environment suitable for a semiconductor; or
- 4225 (ii) consumed primarily in the process of:
- 4226 (A) (I) manufacturing a semiconductor;
- 4227 (II) fabricating a semiconductor; or
- 4228 (III) research or development of a:
- 4229 (Aa) semiconductor; or
- 4230 (Bb) semiconductor manufacturing process; or
- 4231 (B) maintaining an environment suitable for a semiconductor.
- 4232 (b) "Semiconductor fabricating, processing, research, or development materials"
- 4233 includes:
- 4234 (i) parts used in the repairs or renovations of tangible personal property or a product
- 4235 transferred electronically described in Subsection (122)(a); or
- 4236 (ii) a chemical, catalyst, or other material used to:
- 4237 (A) produce or induce in a semiconductor a:
- 4238 (I) chemical change; or
- 4239 (II) physical change;

4240 (B) remove impurities from a semiconductor; or
4241 (C) improve the marketable condition of a semiconductor.
4242 (123) "Senior citizen center" means a facility having the primary purpose of providing
4243 services to the aged as defined in Section [62A-3-101](#).
4244 (124) (a) Subject to Subsections (124)(b) and (c), "short-term lodging consumable"
4245 means tangible personal property that:
4246 (i) a business that provides accommodations and services described in Subsection
4247 [59-12-103](#)(1)(i) purchases as part of a transaction to provide the accommodations and services
4248 to a purchaser;
4249 (ii) is intended to be consumed by the purchaser; and
4250 (iii) is:
4251 (A) included in the purchase price of the accommodations and services; and
4252 (B) not separately stated on an invoice, bill of sale, or other similar document provided
4253 to the purchaser.
4254 (b) "Short-term lodging consumable" includes:
4255 (i) a beverage;
4256 (ii) a brush or comb;
4257 (iii) a cosmetic;
4258 (iv) a hair care product;
4259 (v) lotion;
4260 (vi) a magazine;
4261 (vii) makeup;
4262 (viii) a meal;
4263 (ix) mouthwash;
4264 (x) nail polish remover;
4265 (xi) a newspaper;
4266 (xii) a notepad;
4267 (xiii) a pen;
4268 (xiv) a pencil;
4269 (xv) a razor;
4270 (xvi) saline solution;

4271 (xvii) a sewing kit;
4272 (xviii) shaving cream;
4273 (xix) a shoe shine kit;
4274 (xx) a shower cap;
4275 (xxi) a snack item;
4276 (xxii) soap;
4277 (xxiii) toilet paper;
4278 (xxiv) a toothbrush;
4279 (xxv) toothpaste; or
4280 (xxvi) an item similar to Subsections (124)(b)(i) through (xxv) as the commission may
4281 provide by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
4282 Rulemaking Act.
4283 (c) "Short-term lodging consumable" does not include:
4284 (i) tangible personal property that is cleaned or washed to allow the tangible personal
4285 property to be reused; or
4286 (ii) a product transferred electronically.
4287 (125) "Simplified electronic return" means the electronic return:
4288 (a) described in Section 318(C) of the agreement; and
4289 (b) approved by the governing board of the agreement.
4290 (126) "Solar energy" means the sun used as the sole source of energy for producing
4291 electricity.
4292 (127) (a) "Sports or recreational equipment" means an item:
4293 (i) designed for human use; and
4294 (ii) that is:
4295 (A) worn in conjunction with:
4296 (I) an athletic activity; or
4297 (II) a recreational activity; and
4298 (B) not suitable for general use.
4299 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4300 commission shall make rules:
4301 (i) listing the items that constitute "sports or recreational equipment"; and

4302 (ii) that are consistent with the list of items that constitute "sports or recreational
4303 equipment" under the agreement.

4304 (128) "State" means the state of Utah, its departments, and agencies.

4305 (129) "Storage" means any keeping or retention of tangible personal property or any
4306 other taxable transaction under Subsection 59-12-103(1), in this state for any purpose except
4307 sale in the regular course of business.

4308 (130) (a) Except as provided in Subsection (130)(d) or (e), "tangible personal property"
4309 means personal property that:

4310 (i) may be:

4311 (A) seen;

4312 (B) weighed;

4313 (C) measured;

4314 (D) felt; or

4315 (E) touched; or

4316 (ii) is in any manner perceptible to the senses.

4317 (b) "Tangible personal property" includes:

4318 (i) electricity;

4319 (ii) water;

4320 (iii) gas;

4321 (iv) steam; or

4322 (v) prewritten computer software, regardless of the manner in which the prewritten
4323 computer software is transferred.

4324 (c) "Tangible personal property" includes the following regardless of whether the item
4325 is attached to real property:

4326 (i) a dishwasher;

4327 (ii) a dryer;

4328 (iii) a freezer;

4329 (iv) a microwave;

4330 (v) a refrigerator;

4331 (vi) a stove;

4332 (vii) a washer; or

4333 (viii) an item similar to Subsections (130)(c)(i) through (vii) as determined by the
4334 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
4335 Rulemaking Act.

4336 (d) "Tangible personal property" does not include a product that is transferred
4337 electronically.

4338 (e) "Tangible personal property" does not include the following if attached to real
4339 property, regardless of whether the attachment to real property is only through a line that
4340 supplies water, electricity, gas, telephone, cable, or supplies a similar item as determined by the
4341 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
4342 Rulemaking Act:

4343 (i) a hot water heater;

4344 (ii) a water filtration system; or

4345 (iii) a water softener system.

4346 (131) (a) "Telecommunications enabling or facilitating equipment, machinery, or
4347 software" means an item listed in Subsection (131)(b) if that item is purchased or leased
4348 primarily to enable or facilitate one or more of the following to function:

4349 (i) telecommunications switching or routing equipment, machinery, or software; or

4350 (ii) telecommunications transmission equipment, machinery, or software.

4351 (b) The following apply to Subsection (131)(a):

4352 (i) a pole;

4353 (ii) software;

4354 (iii) a supplementary power supply;

4355 (iv) temperature or environmental equipment or machinery;

4356 (v) test equipment;

4357 (vi) a tower; or

4358 (vii) equipment, machinery, or software that functions similarly to an item listed in
4359 Subsections (131)(b)(i) through (vi) as determined by the commission by rule made in
4360 accordance with Subsection (131)(c).

4361 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4362 commission may by rule define what constitutes equipment, machinery, or software that
4363 functions similarly to an item listed in Subsections (131)(b)(i) through (vi).

4364 (132) "Telecommunications equipment, machinery, or software required for 911
4365 service" means equipment, machinery, or software that is required to comply with 47 C.F.R.
4366 Sec. 20.18.

4367 (133) "Telecommunications maintenance or repair equipment, machinery, or software"
4368 means equipment, machinery, or software purchased or leased primarily to maintain or repair
4369 one or more of the following, regardless of whether the equipment, machinery, or software is
4370 purchased or leased as a spare part or as an upgrade or modification to one or more of the
4371 following:

- 4372 (a) telecommunications enabling or facilitating equipment, machinery, or software;
- 4373 (b) telecommunications switching or routing equipment, machinery, or software; or
- 4374 (c) telecommunications transmission equipment, machinery, or software.

4375 (134) (a) "Telecommunications service" means the electronic conveyance, routing, or
4376 transmission of audio, data, video, voice, or any other information or signal to a point, or
4377 among or between points.

4378 (b) "Telecommunications service" includes:

4379 (i) an electronic conveyance, routing, or transmission with respect to which a computer
4380 processing application is used to act:

- 4381 (A) on the code, form, or protocol of the content;
- 4382 (B) for the purpose of electronic conveyance, routing, or transmission; and
- 4383 (C) regardless of whether the service:
- 4384 (I) is referred to as voice over Internet protocol service; or
- 4385 (II) is classified by the Federal Communications Commission as enhanced or value
4386 added;

- 4387 (ii) an 800 service;
- 4388 (iii) a 900 service;
- 4389 (iv) a fixed wireless service;
- 4390 (v) a mobile wireless service;
- 4391 (vi) a postpaid calling service;
- 4392 (vii) a prepaid calling service;
- 4393 (viii) a prepaid wireless calling service; or
- 4394 (ix) a private communications service.

- 4395 (c) "Telecommunications service" does not include:
- 4396 (i) advertising, including directory advertising;
- 4397 (ii) an ancillary service;
- 4398 (iii) a billing and collection service provided to a third party;
- 4399 (iv) a data processing and information service if:
- 4400 (A) the data processing and information service allows data to be:
- 4401 (I) (Aa) acquired;
- 4402 (Bb) generated;
- 4403 (Cc) processed;
- 4404 (Dd) retrieved; or
- 4405 (Ee) stored; and
- 4406 (II) delivered by an electronic transmission to a purchaser; and
- 4407 (B) the purchaser's primary purpose for the underlying transaction is the processed data
- 4408 or information;
- 4409 (v) installation or maintenance of the following on a customer's premises:
- 4410 (A) equipment; or
- 4411 (B) wiring;
- 4412 (vi) Internet access service;
- 4413 (vii) a paging service;
- 4414 (viii) a product transferred electronically, including:
- 4415 (A) music;
- 4416 (B) reading material;
- 4417 (C) a ring tone;
- 4418 (D) software; or
- 4419 (E) video;
- 4420 (ix) a radio and television audio and video programming service:
- 4421 (A) regardless of the medium; and
- 4422 (B) including:
- 4423 (I) furnishing conveyance, routing, or transmission of a television audio and video
- 4424 programming service by a programming service provider;
- 4425 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or

4426 (III) audio and video programming services delivered by a commercial mobile radio
4427 service provider as defined in 47 C.F.R. Sec. 20.3;

4428 (x) a value-added nonvoice data service; or

4429 (xi) tangible personal property.

4430 (135) (a) "Telecommunications service provider" means a person that:

4431 (i) owns, controls, operates, or manages a telecommunications service; and

4432 (ii) engages in an activity described in Subsection (135)(a)(i) for the shared use with or
4433 resale to any person of the telecommunications service.

4434 (b) A person described in Subsection (135)(a) is a telecommunications service provider
4435 whether or not the Public Service Commission of Utah regulates:

4436 (i) that person; or

4437 (ii) the telecommunications service that the person owns, controls, operates, or
4438 manages.

4439 (136) (a) "Telecommunications switching or routing equipment, machinery, or
4440 software" means an item listed in Subsection (136)(b) if that item is purchased or leased
4441 primarily for switching or routing:

4442 (i) an ancillary service;

4443 (ii) data communications;

4444 (iii) voice communications; or

4445 (iv) telecommunications service.

4446 (b) The following apply to Subsection (136)(a):

4447 (i) a bridge;

4448 (ii) a computer;

4449 (iii) a cross connect;

4450 (iv) a modem;

4451 (v) a multiplexer;

4452 (vi) plug in circuitry;

4453 (vii) a router;

4454 (viii) software;

4455 (ix) a switch; or

4456 (x) equipment, machinery, or software that functions similarly to an item listed in

4457 Subsections (136)(b)(i) through (ix) as determined by the commission by rule made in
4458 accordance with Subsection (136)(c).

4459 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4460 commission may by rule define what constitutes equipment, machinery, or software that
4461 functions similarly to an item listed in Subsections (136)(b)(i) through (ix).

4462 (137) (a) "Telecommunications transmission equipment, machinery, or software"
4463 means an item listed in Subsection (137)(b) if that item is purchased or leased primarily for
4464 sending, receiving, or transporting:

- 4465 (i) an ancillary service;
- 4466 (ii) data communications;
- 4467 (iii) voice communications; or
- 4468 (iv) telecommunications service.
- 4469 (b) The following apply to Subsection (137)(a):
- 4470 (i) an amplifier;
- 4471 (ii) a cable;
- 4472 (iii) a closure;
- 4473 (iv) a conduit;
- 4474 (v) a controller;
- 4475 (vi) a duplexer;
- 4476 (vii) a filter;
- 4477 (viii) an input device;
- 4478 (ix) an input/output device;
- 4479 (x) an insulator;
- 4480 (xi) microwave machinery or equipment;
- 4481 (xii) an oscillator;
- 4482 (xiii) an output device;
- 4483 (xiv) a pedestal;
- 4484 (xv) a power converter;
- 4485 (xvi) a power supply;
- 4486 (xvii) a radio channel;
- 4487 (xviii) a radio receiver;

4488 (xix) a radio transmitter;
 4489 (xx) a repeater;
 4490 (xxi) software;
 4491 (xxii) a terminal;
 4492 (xxiii) a timing unit;
 4493 (xxiv) a transformer;
 4494 (xxv) a wire; or
 4495 (xxvi) equipment, machinery, or software that functions similarly to an item listed in
 4496 Subsections (137)(b)(i) through (xxv) as determined by the commission by rule made in
 4497 accordance with Subsection (137)(c).
 4498 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 4499 commission may by rule define what constitutes equipment, machinery, or software that
 4500 functions similarly to an item listed in Subsections (137)(b)(i) through (xxv).
 4501 (138) (a) "Textbook for a higher education course" means a textbook or other printed
 4502 material that is required for a course:
 4503 (i) offered by an institution of higher education; and
 4504 (ii) that the purchaser of the textbook or other printed material attends or will attend.
 4505 (b) "Textbook for a higher education course" includes a textbook in electronic format.
 4506 (139) "Tobacco" means:
 4507 (a) a cigarette;
 4508 (b) a cigar;
 4509 (c) chewing tobacco;
 4510 (d) pipe tobacco; or
 4511 (e) any other item that contains tobacco.
 4512 (140) "Unassisted amusement device" means an amusement device, skill device, or
 4513 ride device that is started and stopped by the purchaser or renter of the right to use or operate
 4514 the amusement device, skill device, or ride device.
 4515 (141) (a) "Use" means the exercise of any right or power over tangible personal
 4516 property, a product transferred electronically, or a service under Subsection 59-12-103(1),
 4517 incident to the ownership or the leasing of that tangible personal property, product transferred
 4518 electronically, or service.

4519 (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal
4520 property, a product transferred electronically, or a service in the regular course of business and
4521 held for resale.

4522 (142) "Value-added nonvoice data service" means a service:

4523 (a) that otherwise meets the definition of a telecommunications service except that a
4524 computer processing application is used to act primarily for a purpose other than conveyance,
4525 routing, or transmission; and

4526 (b) with respect to which a computer processing application is used to act on data or
4527 information:

4528 (i) code;

4529 (ii) content;

4530 (iii) form; or

4531 (iv) protocol.

4532 (143) (a) Subject to Subsection (143)(b), "vehicle" means the following that are
4533 required to be titled, registered, or titled and registered:

4534 (i) an aircraft as defined in Section 72-10-102;

4535 (ii) a vehicle as defined in Section 41-1a-102;

4536 (iii) an off-highway vehicle as defined in Section 41-22-2; or

4537 (iv) a vessel as defined in Section 41-1a-102.

4538 (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:

4539 (i) a vehicle described in Subsection (143)(a); or

4540 (ii) (A) a locomotive;

4541 (B) a freight car;

4542 (C) railroad work equipment; or

4543 (D) other railroad rolling stock.

4544 (144) "Vehicle dealer" means a person engaged in the business of buying, selling, or
4545 exchanging a vehicle as defined in Subsection (143).

4546 (145) (a) "Vertical service" means an ancillary service that:

4547 (i) is offered in connection with one or more telecommunications services; and

4548 (ii) offers an advanced calling feature that allows a customer to:

4549 (A) identify a caller; and

4550 (B) manage multiple calls and call connections.
 4551 (b) "Vertical service" includes an ancillary service that allows a customer to manage a
 4552 conference bridging service.

4553 (146) (a) "Voice mail service" means an ancillary service that enables a customer to
 4554 receive, send, or store a recorded message.

4555 (b) "Voice mail service" does not include a vertical service that a customer is required
 4556 to have in order to utilize a voice mail service.

4557 (147) (a) Except as provided in Subsection (147)(b), "waste energy facility" means a
 4558 facility that generates electricity:

4559 (i) using as the primary source of energy waste materials that would be placed in a
 4560 landfill or refuse pit if it were not used to generate electricity, including:

4561 (A) tires;

4562 (B) waste coal;

4563 (C) oil shale; or

4564 (D) municipal solid waste; and

4565 (ii) in amounts greater than actually required for the operation of the facility.

4566 (b) "Waste energy facility" does not include a facility that incinerates:

4567 (i) hospital waste as defined in 40 C.F.R. 60.51c; or

4568 (ii) medical/infectious waste as defined in 40 C.F.R. 60.51c.

4569 (148) "Watercraft" means a vessel as defined in Section [73-18-2](#).

4570 (149) "Wind energy" means wind used as the sole source of energy to produce
 4571 electricity.

4572 (150) "ZIP Code" means a Zoning Improvement Plan Code assigned to a geographic
 4573 location by the United States Postal Service.

4574 Section 39. Section **59-12-103** is amended to read:

4575 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**
 4576 **tax revenues.**

4577 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or
 4578 sales price for amounts paid or charged for the following transactions:

4579 (a) retail sales of tangible personal property made within the state;

4580 (b) amounts paid for:

4581 (i) telecommunications service, other than mobile telecommunications service, that
4582 originates and terminates within the boundaries of this state;

4583 (ii) mobile telecommunications service that originates and terminates within the
4584 boundaries of one state only to the extent permitted by the Mobile Telecommunications
4585 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

4586 (iii) an ancillary service associated with a:

4587 (A) telecommunications service described in Subsection (1)(b)(i); or

4588 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

4589 (c) sales of the following for commercial use:

4590 (i) gas;

4591 (ii) electricity;

4592 (iii) heat;

4593 (iv) coal;

4594 (v) fuel oil; or

4595 (vi) other fuels;

4596 (d) sales of the following for residential use:

4597 (i) gas;

4598 (ii) electricity;

4599 (iii) heat;

4600 (iv) coal;

4601 (v) fuel oil; or

4602 (vi) other fuels;

4603 (e) sales of prepared food;

4604 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
4605 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
4606 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
4607 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
4608 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
4609 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
4610 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
4611 horseback rides, sports activities, or any other amusement, entertainment, recreation,

4612 exhibition, cultural, or athletic activity;

4613 (g) amounts paid or charged for services for repairs or renovations of tangible personal

4614 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

4615 (i) the tangible personal property; and

4616 (ii) parts used in the repairs or renovations of the tangible personal property described

4617 in Subsection (1)(g)(i), regardless of whether:

4618 (A) any parts are actually used in the repairs or renovations of that tangible personal

4619 property; or

4620 (B) the particular parts used in the repairs or renovations of that tangible personal

4621 property are exempt from a tax under this chapter;

4622 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for

4623 assisted cleaning or washing of tangible personal property;

4624 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court

4625 accommodations and services that are regularly rented for less than 30 consecutive days;

4626 (j) amounts paid or charged for laundry or dry cleaning services;

4627 (k) amounts paid or charged for leases or rentals of tangible personal property if within

4628 this state the tangible personal property is:

4629 (i) stored;

4630 (ii) used; or

4631 (iii) otherwise consumed;

4632 (l) amounts paid or charged for tangible personal property if within this state the

4633 tangible personal property is:

4634 (i) stored;

4635 (ii) used; or

4636 (iii) consumed; and

4637 (m) amounts paid or charged for a sale:

4638 (i) (A) of a product transferred electronically; or

4639 (B) of a repair or renovation of a product transferred electronically; and

4640 (ii) regardless of whether the sale provides:

4641 (A) a right of permanent use of the product; or

4642 (B) a right to use the product that is less than a permanent use, including a right:

4643 (I) for a definite or specified length of time; and
4644 (II) that terminates upon the occurrence of a condition.

4645 (2) (a) Except as provided in Subsections (2)(b) through ~~[(e)]~~ (f), a state tax and a local
4646 tax are imposed on a transaction described in Subsection (1) equal to the sum of:
4647 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
4648 ~~[(A) (I) through March 31, 2019, 4.70%; and]~~
4649 ~~[(H)]~~ (A) ~~[beginning on April 1, 2019,]~~ 4.70% plus the rate specified in Subsection
4650 ~~[(H3)]~~ (12)(a); and

4651 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
4652 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
4653 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
4654 State Sales and Use Tax Act; and

4655 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
4656 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
4657 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
4658 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

4659 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
4660 transaction under this chapter other than this part.

4661 (b) Except as provided in Subsection ~~[(2)(d) or (e)]~~ (2)(e) or (f) and subject to
4662 Subsection (2)(~~f~~)(k), a state tax and a local tax are imposed on a transaction described in
4663 Subsection (1)(d) equal to the sum of:

4664 (i) a state tax imposed on the transaction at a tax rate of 2%; and
4665 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
4666 transaction under this chapter other than this part.

4667 (c) Except as provided in Subsection ~~[(2)(d) or (e)]~~ (2)(e) or (f), a state tax and a local
4668 tax are imposed on amounts paid or charged for food and food ingredients equal to the sum of:

4669 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at
4670 a tax rate of 1.75%; and
4671 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
4672 amounts paid or charged for food and food ingredients under this chapter other than this part.

4673 (d) Except as provided in Subsection (2)(e) or (f), a state tax is imposed on amounts

4674 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at
4675 a rate of 4.85%.

4676 ~~[(d)]~~ (e) (i) For a bundled transaction that is attributable to food and food ingredients
4677 and tangible personal property other than food and food ingredients, a state tax and a local tax
4678 is imposed on the entire bundled transaction equal to the sum of:

4679 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

4680 (I) the tax rate described in Subsection (2)(a)(i)(A); and

4681 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
4682 Sales and Use Tax Act, if the location of the transaction as determined under Sections
4683 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
4684 Additional State Sales and Use Tax Act; and

4685 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
4686 Sales and Use Tax Act, if the location of the transaction as determined under Sections
4687 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
4688 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

4689 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
4690 described in Subsection (2)(a)(ii).

4691 (ii) If an optional computer software maintenance contract is a bundled transaction that
4692 consists of taxable and nontaxable products that are not separately itemized on an invoice or
4693 similar billing document, the purchase of the optional computer software maintenance contract
4694 is 40% taxable under this chapter and 60% nontaxable under this chapter.

4695 (iii) Subject to Subsection (2)~~[(d)]~~(e)(iv), for a bundled transaction other than a
4696 bundled transaction described in Subsection (2)~~[(d)]~~(e)(i) or (ii):

4697 (A) if the sales price of the bundled transaction is attributable to tangible personal
4698 property, a product, or a service that is subject to taxation under this chapter and tangible
4699 personal property, a product, or service that is not subject to taxation under this chapter, the
4700 entire bundled transaction is subject to taxation under this chapter unless:

4701 (I) the seller is able to identify by reasonable and verifiable standards the tangible
4702 personal property, product, or service that is not subject to taxation under this chapter from the
4703 books and records the seller keeps in the seller's regular course of business; or

4704 (II) state or federal law provides otherwise; or

4705 (B) if the sales price of a bundled transaction is attributable to two or more items of
4706 tangible personal property, products, or services that are subject to taxation under this chapter
4707 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
4708 higher tax rate unless:

4709 (I) the seller is able to identify by reasonable and verifiable standards the tangible
4710 personal property, product, or service that is subject to taxation under this chapter at the lower
4711 tax rate from the books and records the seller keeps in the seller's regular course of business; or

4712 (II) state or federal law provides otherwise.

4713 (iv) For purposes of Subsection (2)(~~(d)~~)(e)(iii), books and records that a seller keeps in
4714 the seller's regular course of business includes books and records the seller keeps in the regular
4715 course of business for nontax purposes.

4716 [~~(e)~~] (f) (i) Except as otherwise provided in this chapter and subject to Subsections
4717 (2)(~~(e)~~)(f)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible personal
4718 property, a product, or a service that is subject to taxation under this chapter, and the sale,
4719 lease, or rental of tangible personal property, other property, a product, or a service that is not
4720 subject to taxation under this chapter, the entire transaction is subject to taxation under this
4721 chapter unless the seller, at the time of the transaction:

4722 (A) separately states the portion of the transaction that is not subject to taxation under
4723 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

4724 (B) is able to identify by reasonable and verifiable standards, from the books and
4725 records the seller keeps in the seller's regular course of business, the portion of the transaction
4726 that is not subject to taxation under this chapter.

4727 (ii) A purchaser and a seller may correct the taxability of a transaction if:

4728 (A) after the transaction occurs, the purchaser and the seller discover that the portion of
4729 the transaction that is not subject to taxation under this chapter was not separately stated on an
4730 invoice, bill of sale, or similar document provided to the purchaser because of an error or
4731 ignorance of the law; and

4732 (B) the seller is able to identify by reasonable and verifiable standards, from the books
4733 and records the seller keeps in the seller's regular course of business, the portion of the
4734 transaction that is not subject to taxation under this chapter.

4735 (iii) For purposes of Subsections (2)(~~(e)~~)(f)(i) and (ii), books and records that a seller

keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

~~[(f)]~~ (g) (i) If the sales price of a transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate unless the seller, at the time of the transaction:

(A) separately states the items subject to taxation under this chapter at each of the different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

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

(ii) For purposes of Subsection (2)~~[(f)]~~(g)(i), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

~~[(g)]~~ (h) Subject to Subsections ~~[(2)(h) and (i)]~~ (2)(i) and (j), a tax rate repeal or tax rate change for a tax rate imposed under the following shall take effect on the first day of a calendar quarter:

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

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

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

(iv) Subsection (2)~~[(d)]~~(e)(i)(A)(I).

~~[(h)]~~ (i) (i) A tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the tax rate increase if the billing period for the transaction begins before the effective date of a tax rate increase imposed under:

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

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

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

(D) Subsection (2)~~[(d)]~~(e)(i)(A)(I).

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease imposed under:

4767 (A) Subsection (2)(a)(i)(A);
 4768 (B) Subsection (2)(b)(i);
 4769 (C) Subsection (2)(c)(i); or
 4770 (D) Subsection (2)~~(f)(d)~~(e)(i)(A)(I).
 4771 ~~(f)(i)~~ (j) (i) For a tax rate described in Subsection (2)~~(f)(i)~~(j)(ii), if a tax due on a
 4772 catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, a
 4773 tax rate repeal or change in a tax rate takes effect:
 4774 (A) on the first day of a calendar quarter; and
 4775 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
 4776 (ii) Subsection (2)~~(f)(i)~~(j)(i) applies to the tax rates described in the following:
 4777 (A) Subsection (2)(a)(i)(A);
 4778 (B) Subsection (2)(b)(i);
 4779 (C) Subsection (2)(c)(i); or
 4780 (D) Subsection (2)~~(f)(d)~~(e)(i)(A)(I).
 4781 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 4782 the commission may by rule define the term "catalogue sale."
 4783 ~~(f)(j)~~ (k) (i) For a location described in Subsection (2)~~(f)(j)~~(k)(ii), the commission shall
 4784 determine the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based
 4785 on the predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.
 4786 (ii) Subsection (2)~~(f)(j)~~(k)(i) applies to a location where gas, electricity, heat, coal, fuel
 4787 oil, or other fuel is furnished through a single meter for two or more of the following uses:
 4788 (A) a commercial use;
 4789 (B) an industrial use; or
 4790 (C) a residential use.
 4791 (3) (a) The following state taxes shall be deposited into the General Fund:
 4792 (i) the tax imposed by Subsection (2)(a)(i)(A);
 4793 (ii) the tax imposed by Subsection (2)(b)(i);
 4794 (iii) the tax imposed by Subsection (2)(c)(i); ~~[or]~~ and
 4795 (iv) the tax imposed by Subsection (2)~~(f)(d)~~(e)(i)(A)(I).
 4796 (b) The following local taxes shall be distributed to a county, city, or town as provided
 4797 in this chapter:

4798 (i) the tax imposed by Subsection (2)(a)(ii);
4799 (ii) the tax imposed by Subsection (2)(b)(ii);
4800 (iii) the tax imposed by Subsection (2)(c)(ii); and
4801 (iv) the tax imposed by Subsection (2)(~~d~~)(e)(i)(B).
4802 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General
4803 Fund.
4804 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
4805 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
4806 through (g):
4807 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
4808 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
4809 (B) for the fiscal year; or
4810 (ii) \$17,500,000.
4811 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
4812 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the
4813 Department of Natural Resources to:
4814 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to
4815 protect sensitive plant and animal species; or
4816 (B) award grants, up to the amount authorized by the Legislature in an appropriations
4817 act, to political subdivisions of the state to implement the measures described in Subsections
4818 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.
4819 (ii) Money transferred to the Department of Natural Resources under Subsection
4820 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other
4821 person to list or attempt to have listed a species as threatened or endangered under the
4822 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.
4823 (iii) At the end of each fiscal year:
4824 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
4825 Conservation and Development Fund created in Section 73-10-24;
4826 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
4827 Program Subaccount created in Section 73-10c-5; and
4828 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan

4829 Program Subaccount created in Section 73-10c-5.

4830 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
4831 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
4832 created in Section 4-18-106.

4833 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
4834 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water
4835 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of
4836 water rights.

4837 (ii) At the end of each fiscal year:

4838 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
4839 Conservation and Development Fund created in Section 73-10-24;

4840 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
4841 Program Subaccount created in Section 73-10c-5; and

4842 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
4843 Program Subaccount created in Section 73-10c-5.

4844 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
4845 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and
4846 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

4847 (ii) In addition to the uses allowed of the Water Resources Conservation and
4848 Development Fund under Section 73-10-24, the Water Resources Conservation and
4849 Development Fund may also be used to:

4850 (A) conduct hydrologic and geotechnical investigations by the Division of Water
4851 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
4852 quantifying surface and ground water resources and describing the hydrologic systems of an
4853 area in sufficient detail so as to enable local and state resource managers to plan for and
4854 accommodate growth in water use without jeopardizing the resource;

4855 (B) fund state required dam safety improvements; and

4856 (C) protect the state's interest in interstate water compact allocations, including the
4857 hiring of technical and legal staff.

4858 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
4859 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount

4860 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

4861 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
4862 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
4863 created in Section 73-10c-5 for use by the Division of Drinking Water to:

4864 (i) provide for the installation and repair of collection, treatment, storage, and
4865 distribution facilities for any public water system, as defined in Section 19-4-102;

4866 (ii) develop underground sources of water, including springs and wells; and

4867 (iii) develop surface water sources.

4868 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
4869 2006, the difference between the following amounts shall be expended as provided in this
4870 Subsection (5), if that difference is greater than \$1:

4871 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
4872 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

4873 (ii) \$17,500,000.

4874 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

4875 (A) transferred each fiscal year to the Department of Natural Resources as dedicated
4876 credits; and

4877 (B) expended by the Department of Natural Resources for watershed rehabilitation or
4878 restoration.

4879 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described
4880 in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund
4881 created in Section 73-10-24.

4882 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
4883 remaining difference described in Subsection (5)(a) shall be:

4884 (A) transferred each fiscal year to the Division of Water Resources as dedicated
4885 credits; and

4886 (B) expended by the Division of Water Resources for cloud-seeding projects
4887 authorized by Title 73, Chapter 15, Modification of Weather.

4888 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described
4889 in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund
4890 created in Section 73-10-24.

4891 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
4892 remaining difference described in Subsection (5)(a) shall be deposited into the Water
4893 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
4894 Division of Water Resources for:

4895 (i) preconstruction costs:

4896 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
4897 26, Bear River Development Act; and

4898 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
4899 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

4900 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
4901 Chapter 26, Bear River Development Act;

4902 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
4903 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

4904 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
4905 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

4906 (e) After making the transfers required by Subsections (5)(b) and (c) and subject to
4907 Subsection (5)(f), 15% of the remaining difference described in Subsection (5)(a) shall be
4908 transferred each year as dedicated credits to the Division of Water Rights to cover the costs
4909 incurred for employing additional technical staff for the administration of water rights.

4910 (f) At the end of each fiscal year, any unexpended dedicated credits described in
4911 Subsection (5)(e) over \$150,000 lapse to the Water Resources Conservation and Development
4912 Fund created in Section 73-10-24.

4913 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), the
4914 amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection
4915 (1) for the fiscal year shall be deposited as follows:

4916 ~~[(a) for fiscal year 2016-17 only, 100% of the revenue described in this Subsection (6)~~
4917 ~~shall be deposited into the Transportation Investment Fund of 2005 created by Section~~
4918 ~~72-2-124;]~~

4919 ~~[(b) for fiscal year 2017-18 only:]~~

4920 ~~[(i) 80% of the revenue described in this Subsection (6) shall be deposited into the~~
4921 ~~Transportation Investment Fund of 2005 created by Section 72-2-124; and]~~

4922 ~~[(ii) 20% of the revenue described in this Subsection (6) shall be deposited into the~~
4923 ~~Water Infrastructure Restricted Account created by Section 73-10g-103;]~~

4924 ~~[(c) for fiscal year 2018-19 only:]~~

4925 ~~[(i) 60% of the revenue described in this Subsection (6) shall be deposited into the~~
4926 ~~Transportation Investment Fund of 2005 created by Section 72-2-124; and]~~

4927 ~~[(ii) 40% of the revenue described in this Subsection (6) shall be deposited into the~~
4928 ~~Water Infrastructure Restricted Account created by Section 73-10g-103;]~~

4929 ~~[(d) for fiscal year 2019-20 only:]~~

4930 ~~[(i) 40% of the revenue described in this Subsection (6) shall be deposited into the~~
4931 ~~Transportation Investment Fund of 2005 created by Section 72-2-124; and]~~

4932 ~~[(ii) 60% of the revenue described in this Subsection (6) shall be deposited into the~~
4933 ~~Water Infrastructure Restricted Account created by Section 73-10g-103;]~~

4934 ~~[(e)]~~ (a) for fiscal year 2020-21 only:

4935 (i) 20% of the revenue described in this Subsection (6) shall be deposited into the
4936 Transportation Investment Fund of 2005 created by Section 72-2-124; and

4937 (ii) 80% of the revenue described in this Subsection (6) shall be deposited into the
4938 Water Infrastructure Restricted Account created by Section 73-10g-103; and

4939 ~~[(f)]~~ (b) for a fiscal year beginning on or after July 1, 2021, 100% of the revenue
4940 described in this Subsection (6) shall be deposited into the Water Infrastructure Restricted
4941 Account created by Section 73-10g-103.

4942 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in
4943 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,
4944 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005
4945 created by Section 72-2-124:

4946 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of
4947 the revenues collected from the following taxes, which represents a portion of the
4948 approximately 17% of sales and use tax revenues generated annually by the sales and use tax
4949 on vehicles and vehicle-related products:

4950 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

4951 (B) the tax imposed by Subsection (2)(b)(i);

4952 (C) the tax imposed by Subsection (2)(c)(i); and

4953 (D) the tax imposed by Subsection (2)~~[(d)]~~(e)(i)(A)(I); plus

4954 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the
4955 current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through
4956 (D) that exceeds the amount collected from the sales and use taxes described in Subsections
4957 (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.

4958 (b) (i) Subject to Subsections (7)(b)(ii) and (iii), in any fiscal year that the portion of
4959 the sales and use taxes deposited under Subsection (7)(a) represents an amount that is a total
4960 lower percentage of the sales and use taxes described in Subsections (7)(a)(i)(A) through (D)
4961 generated in the current fiscal year than the total percentage of sales and use taxes deposited in
4962 the previous fiscal year, the Division of Finance shall deposit an amount under Subsection
4963 (7)(a) equal to the product of:

4964 (A) the total percentage of sales and use taxes deposited under Subsection (7)(a) in the
4965 previous fiscal year; and

4966 (B) the total sales and use tax revenue generated by the taxes described in Subsections
4967 (7)(a)(i)(A) through (D) in the current fiscal year.

4968 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under
4969 Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes
4970 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of
4971 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in
4972 Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

4973 (iii) In all subsequent fiscal years after a year in which 17% of the revenues collected
4974 from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) was deposited
4975 under Subsection (7)(a), the Division of Finance shall annually deposit 17% of the revenues
4976 collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the
4977 current fiscal year under Subsection (7)(a).

4978 ~~[(8)(a) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited~~
4979 ~~under Subsections (6) and (7), for the 2016-17 fiscal year only, the Division of Finance shall~~
4980 ~~deposit \$64,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into~~
4981 ~~the Transportation Investment Fund of 2005 created by Section 72-2-124.]~~

4982 ~~[(b) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under~~
4983 ~~Subsections (6) and (7), for the 2017-18 fiscal year only, the Division of Finance shall deposit~~

4984 \$63,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the
4985 Transportation Investment Fund of 2005 created by Section ~~72-2-124~~.]

4986 ~~[(c)(i)]~~ (8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited
4987 under Subsections (6) and (7), and subject to Subsection ~~[(8)(c)(ii)]~~ (8)(b), for a fiscal year
4988 beginning on or after July 1, 2018, the commission shall annually deposit into the
4989 Transportation Investment Fund of 2005 created by Section ~~72-2-124~~ a portion of the taxes
4990 listed under Subsection (3)(a) in an amount equal to 3.68% of the revenues collected from the
4991 following taxes:

4992 ~~[(A)]~~ (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

4993 ~~[(B)]~~ (ii) the tax imposed by Subsection (2)(b)(i);

4994 ~~[(C)]~~ (iii) the tax imposed by Subsection (2)(c)(i); and

4995 ~~[(D)]~~ (iv) the tax imposed by Subsection (2)~~[(d)]~~(e)(i)(A)(I).

4996 ~~[(ii)]~~ (b) For a fiscal year beginning on or after July 1, 2019, the commission shall
4997 annually reduce the deposit into the Transportation Investment Fund of 2005 under Subsection
4998 ~~[(8)(c)(i)]~~ (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the
4999 current fiscal year by the portion of the tax imposed on motor and special fuel that is sold,
5000 used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

5001 ~~[(iii)]~~ (c) The commission shall annually deposit the amount described in Subsection
5002 ~~[(8)(c)(ii)]~~ (8)(b) into the Transit ~~[and]~~ Transportation Investment Fund created in Section
5003 ~~72-2-124~~.

5004 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
5005 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
5006 created by Section ~~35A-8-1009~~ and expended as provided in Section ~~35A-8-1009~~.

5007 ~~[(10)(a)]~~ Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c),
5008 ~~in addition to any amounts deposited under Subsections (6), (7), and (8), and for the 2016-17~~
5009 ~~fiscal year only, the Division of Finance shall deposit into the Transportation Investment Fund~~
5010 ~~of 2005 created by Section ~~72-2-124~~ the amount of tax revenue generated by a .05% tax rate on~~
5011 ~~the transactions described in Subsection (1).]~~

5012 ~~[(b)]~~ (10)(a) Notwithstanding Subsection (3)(a), except as provided in Subsection
5013 (10)~~[(c)]~~(b), and in addition to any amounts deposited under Subsections (6), (7), and (8), the
5014 Division of Finance shall deposit into the Transportation Investment Fund of 2005 created by

5015 Section [72-2-124](#) the amount of revenue described as follows:

5016 ~~[(i) for fiscal year 2017-18 only, 83.33% of the amount of revenue generated by a .05%~~
 5017 ~~tax rate on the transactions described in Subsection (1);]~~

5018 ~~[(ii) for fiscal year 2018-19 only, 66.67% of the amount of revenue generated by a~~
 5019 ~~.05% tax rate on the transactions described in Subsection (1);]~~

5020 ~~[(iii) for fiscal year 2019-20 only, 50% of the amount of revenue generated by a .05%~~
 5021 ~~tax rate on the transactions described in Subsection (1);]~~

5022 ~~[(iv)]~~ (i) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a
 5023 .05% tax rate on the transactions described in Subsection (1); and

5024 ~~[(v)]~~ (ii) for fiscal year 2021-22 only, 16.67% of the amount of revenue generated by a
 5025 .05% tax rate on the transactions described in Subsection (1).

5026 ~~[(e)]~~ (b) For purposes of ~~[Subsections (10)(a) and (b)]~~ Subsection (10)(a), the Division
 5027 of Finance may not deposit into the Transportation Investment Fund of 2005 any tax revenue
 5028 generated by amounts paid or charged for food and food ingredients, except for tax revenue
 5029 generated by a bundled transaction attributable to food and food ingredients and tangible
 5030 personal property other than food and food ingredients described in Subsection (2)~~[(d)]~~(e).

5031 (11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
 5032 fiscal year during which the Division of Finance receives notice under Section [63N-2-510](#) that
 5033 construction on a qualified hotel, as defined in Section [63N-2-502](#), has begun, the Division of
 5034 Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue
 5035 generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund,
 5036 created in Section [63N-2-512](#).

5037 ~~[(12) (a) Notwithstanding Subsection (3)(a), for the 2016-17 fiscal year only, the~~
 5038 ~~Division of Finance shall deposit \$26,000,000 of the revenues generated by the taxes listed~~
 5039 ~~under Subsection (3)(a) into the Throughput Infrastructure Fund created by Section~~
 5040 ~~[35A-8-308](#).]~~

5041 ~~[(b) Notwithstanding Subsection (3)(a), for the 2017-18 fiscal year only, the Division~~
 5042 ~~of Finance shall deposit \$27,000,000 of the revenues generated by the taxes listed under~~
 5043 ~~Subsection (3)(a) into the Throughput Infrastructure Fund created by Section [35A-8-308](#).]~~

5044 ~~[(13)]~~ (12) (a) The rate specified in this subsection is 0.15%.

5045 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall~~[(i) on or before~~

~~September 30, 2019, transfer the amount of revenue collected from the rate described in Subsection (13)(a) beginning on April 1, 2019, and ending on June 30, 2019, on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section 26-36b-208, and (ii)], for a fiscal year beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the rate described in Subsection [(13)] (12)(a) on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section 26-36b-208.~~

[(14)] (13) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year 2020-21, the Division of Finance shall deposit \$200,000 into the General Fund as a dedicated credit solely for use of the Search and Rescue Financial Assistance Program created in, and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

[(15)] (14) (a) For each fiscal year beginning with fiscal year 2020-21, the Division of Finance shall annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund of 2005 under Subsections (6) through (8) to the General Fund.

(b) If the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections (6) through (8) is less than \$1,813,400 for a fiscal year, the Division of Finance shall transfer the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections (6) through (8) during the fiscal year to the General Fund.

Section 40. Section 59-12-104 is amended to read:

59-12-104. Exemptions.

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

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

(2) subject to Section 59-12-104.6, sales to the state, its institutions, and its political subdivisions; however, this exemption does not apply to sales of:

(a) construction materials except:

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

5077 (ii) construction materials purchased by the state, its institutions, or its political
5078 subdivisions which are installed or converted to real property by employees of the state, its
5079 institutions, or its political subdivisions; or

5080 (b) tangible personal property in connection with the construction, operation,
5081 maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or facilities
5082 providing additional project capacity, as defined in Section 11-13-103;

5083 (3) (a) sales of an item described in Subsection (3)(b) from a vending machine if:

5084 (i) the proceeds of each sale do not exceed \$1; and

5085 (ii) the seller or operator of the vending machine reports an amount equal to 150% of
5086 the cost of the item described in Subsection (3)(b) as goods consumed; and

5087 (b) Subsection (3)(a) applies to:

5088 (i) food and food ingredients; or

5089 (ii) prepared food;

5090 (4) (a) sales of the following to a commercial airline carrier for in-flight consumption:

5091 (i) alcoholic beverages;

5092 (ii) food and food ingredients; or

5093 (iii) prepared food;

5094 (b) sales of tangible personal property or a product transferred electronically:

5095 (i) to a passenger;

5096 (ii) by a commercial airline carrier; and

5097 (iii) during a flight for in-flight consumption or in-flight use by the passenger; or

5098 (c) services related to Subsection (4)(a) or (b);

5099 ~~[(5) (a) (i) beginning on July 1, 2008, and ending on September 30, 2008, sales of parts~~
5100 ~~and equipment:]~~

5101 ~~[(A) (I) by an establishment described in NAICS Code 336411 or 336412 of the 2002~~
5102 ~~North American Industry Classification System of the federal Executive Office of the~~
5103 ~~President, Office of Management and Budget; and]~~

5104 ~~[(H) for:]~~

5105 ~~[(Aa) installation in an aircraft, including services relating to the installation of parts or~~
5106 ~~equipment in the aircraft;]~~

5107 ~~[(Bb) renovation of an aircraft; or]~~

5108 ~~[(Cc) repair of an aircraft; or]~~
5109 ~~[(B) for installation in an aircraft operated by a common carrier in interstate or foreign~~
5110 ~~commerce; or]~~
5111 ~~[(ii) beginning on October 1, 2008, sales of parts and equipment for installation in an~~
5112 ~~aircraft operated by a common carrier in interstate or foreign commerce; and]~~
5113 ~~[(b) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund,~~
5114 ~~a person may claim the exemption allowed by Subsection (5)(a)(i)(B) for a sale by filing for a~~
5115 ~~refund:]~~
5116 ~~[(i) if the sale is made on or after July 1, 2008, but on or before September 30, 2008;]~~
5117 ~~[(ii) as if Subsection (5)(a)(i)(B) were in effect on the day on which the sale is made;]~~
5118 ~~[(iii) if the person did not claim the exemption allowed by Subsection (5)(a)(i)(B) for~~
5119 ~~the sale prior to filing for the refund;]~~
5120 ~~[(iv) for sales and use taxes paid under this chapter on the sale;]~~
5121 ~~[(v) in accordance with Section 59-1-1410; and]~~
5122 ~~[(vi) subject to any extension allowed for filing for a refund under Section 59-1-1410;~~
5123 ~~if the person files for the refund on or before September 30, 2011;]~~
5124 (5) sales of parts and equipment for installation in an aircraft operated by a common
5125 carrier in interstate or foreign commerce;
5126 (6) sales of commercials, motion picture films, prerecorded audio program tapes or
5127 records, and prerecorded video tapes by a producer, distributor, or studio to a motion picture
5128 exhibitor, distributor, or commercial television or radio broadcaster;
5129 (7) (a) except as provided in Subsection (85) and subject to Subsection (7)(b), sales of
5130 cleaning or washing of tangible personal property if the cleaning or washing of the tangible
5131 personal property is not assisted cleaning or washing of tangible personal property;
5132 (b) if a seller that sells at the same business location assisted cleaning or washing of
5133 tangible personal property and cleaning or washing of tangible personal property that is not
5134 assisted cleaning or washing of tangible personal property, the exemption described in
5135 Subsection (7)(a) applies if the seller separately accounts for the sales of the assisted cleaning
5136 or washing of the tangible personal property; and
5137 (c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3,
5138 Utah Administrative Rulemaking Act, the commission may make rules:

5139 (i) governing the circumstances under which sales are at the same business location;
5140 and
5141 (ii) establishing the procedures and requirements for a seller to separately account for
5142 sales of assisted cleaning or washing of tangible personal property;
5143 (8) sales made to or by religious or charitable institutions in the conduct of their regular
5144 religious or charitable functions and activities, if the requirements of Section 59-12-104.1 are
5145 fulfilled;
5146 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of
5147 this state if the vehicle is:
5148 (a) not registered in this state; and
5149 (b) (i) not used in this state; or
5150 (ii) used in this state:
5151 (A) if the vehicle is not used to conduct business, for a time period that does not
5152 exceed the longer of:
5153 (I) 30 days in any calendar year; or
5154 (II) the time period necessary to transport the vehicle to the borders of this state; or
5155 (B) if the vehicle is used to conduct business, for the time period necessary to transport
5156 the vehicle to the borders of this state;
5157 (10) (a) amounts paid for an item described in Subsection (10)(b) if:
5158 (i) the item is intended for human use; and
5159 (ii) (A) a prescription was issued for the item; or
5160 (B) the item was purchased by a hospital or other medical facility; and
5161 (b) (i) Subsection (10)(a) applies to:
5162 (A) a drug;
5163 (B) a syringe; or
5164 (C) a stoma supply; and
5165 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5166 commission may by rule define the terms:
5167 (A) "syringe"; or
5168 (B) "stoma supply";
5169 (11) purchases or leases exempt under Section 19-12-201;

5170 (12) (a) sales of an item described in Subsection (12)(c) served by:
 5171 (i) the following if the item described in Subsection (12)(c) is not available to the
 5172 general public:
 5173 (A) a church; or
 5174 (B) a charitable institution; or
 5175 (ii) an institution of higher education if:
 5176 (A) the item described in Subsection (12)(c) is not available to the general public; or
 5177 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal plan
 5178 offered by the institution of higher education; or
 5179 (b) sales of an item described in Subsection (12)(c) provided for a patient by:
 5180 (i) a medical facility; or
 5181 (ii) a nursing facility; and
 5182 (c) Subsections (12)(a) and (b) apply to:
 5183 (i) food and food ingredients;
 5184 (ii) prepared food; or
 5185 (iii) alcoholic beverages;
 5186 (13) (a) except as provided in Subsection (13)(b), the sale of tangible personal property
 5187 or a product transferred electronically by a person:
 5188 (i) regardless of the number of transactions involving the sale of that tangible personal
 5189 property or product transferred electronically by that person; and
 5190 (ii) not regularly engaged in the business of selling that type of tangible personal
 5191 property or product transferred electronically;
 5192 (b) this Subsection (13) does not apply if:
 5193 (i) the sale is one of a series of sales of a character to indicate that the person is
 5194 regularly engaged in the business of selling that type of tangible personal property or product
 5195 transferred electronically;
 5196 (ii) the person holds that person out as regularly engaged in the business of selling that
 5197 type of tangible personal property or product transferred electronically;
 5198 (iii) the person sells an item of tangible personal property or product transferred
 5199 electronically that the person purchased as a sale that is exempt under Subsection (25); or
 5200 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws of

5201 this state in which case the tax is based upon:

5202 (A) the bill of sale or other written evidence of value of the vehicle or vessel being
5203 sold; or

5204 (B) in the absence of a bill of sale or other written evidence of value, the fair market
5205 value of the vehicle or vessel being sold at the time of the sale as determined by the
5206 commission; and

5207 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5208 commission shall make rules establishing the circumstances under which:

5209 (i) a person is regularly engaged in the business of selling a type of tangible personal
5210 property or product transferred electronically;

5211 (ii) a sale of tangible personal property or a product transferred electronically is one of
5212 a series of sales of a character to indicate that a person is regularly engaged in the business of
5213 selling that type of tangible personal property or product transferred electronically; or

5214 (iii) a person holds that person out as regularly engaged in the business of selling a type
5215 of tangible personal property or product transferred electronically;

5216 (14) amounts paid or charged for a purchase or lease of machinery, equipment, normal
5217 operating repair or replacement parts, or materials, except for office equipment or office
5218 supplies, by:

5219 (a) a manufacturing facility that:

5220 (i) is located in the state; and

5221 (ii) uses or consumes the machinery, equipment, normal operating repair or
5222 replacement parts, or materials:

5223 (A) in the manufacturing process to manufacture an item sold as tangible personal
5224 property, as the commission may define that phrase in accordance with Title 63G, Chapter 3,
5225 Utah Administrative Rulemaking Act; or

5226 (B) for a scrap recycler, to process an item sold as tangible personal property, as the
5227 commission may define that phrase in accordance with Title 63G, Chapter 3, Utah
5228 Administrative Rulemaking Act;

5229 (b) an establishment, as the commission defines that term in accordance with Title
5230 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

5231 (i) is described in NAICS Subsector 212, Mining (except Oil and Gas), or NAICS

5232 Code 213113, Support Activities for Coal Mining, 213114, Support Activities for Metal
 5233 Mining, or 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining, of the
 5234 2002 North American Industry Classification System of the federal Executive Office of the
 5235 President, Office of Management and Budget;
 5236 (ii) is located in the state; and
 5237 (iii) uses or consumes the machinery, equipment, normal operating repair or
 5238 replacement parts, or materials in:
 5239 (A) the production process to produce an item sold as tangible personal property, as the
 5240 commission may define that phrase in accordance with Title 63G, Chapter 3, Utah
 5241 Administrative Rulemaking Act;
 5242 (B) research and development, as the commission may define that phrase in accordance
 5243 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 5244 (C) transporting, storing, or managing tailings, overburden, or similar waste materials
 5245 produced from mining;
 5246 (D) developing or maintaining a road, tunnel, excavation, or similar feature used in
 5247 mining; or
 5248 (E) preventing, controlling, or reducing dust or other pollutants from mining; or
 5249 (c) an establishment, as the commission defines that term in accordance with Title 63G,
 5250 Chapter 3, Utah Administrative Rulemaking Act, that:
 5251 (i) is described in NAICS Code 518112, Web Search Portals, of the 2002 North
 5252 American Industry Classification System of the federal Executive Office of the President,
 5253 Office of Management and Budget;
 5254 (ii) is located in the state; and
 5255 (iii) uses or consumes the machinery, equipment, normal operating repair or
 5256 replacement parts, or materials in the operation of the web search portal;
 5257 (15) (a) sales of the following if the requirements of Subsection (15)(b) are met:
 5258 (i) tooling;
 5259 (ii) special tooling;
 5260 (iii) support equipment;
 5261 (iv) special test equipment; or
 5262 (v) parts used in the repairs or renovations of tooling or equipment described in

5263 Subsections (15)(a)(i) through (iv); and
5264 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:
5265 (i) the tooling, equipment, or parts are used or consumed exclusively in the
5266 performance of any aerospace or electronics industry contract with the United States
5267 government or any subcontract under that contract; and
5268 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),
5269 title to the tooling, equipment, or parts is vested in the United States government as evidenced
5270 by:
5271 (A) a government identification tag placed on the tooling, equipment, or parts; or
5272 (B) listing on a government-approved property record if placing a government
5273 identification tag on the tooling, equipment, or parts is impractical;
5274 (16) sales of newspapers or newspaper subscriptions;
5275 (17) (a) except as provided in Subsection (17)(b), tangible personal property or a
5276 product transferred electronically traded in as full or part payment of the purchase price, except
5277 that for purposes of calculating sales or use tax upon vehicles not sold by a vehicle dealer,
5278 trade-ins are limited to other vehicles only, and the tax is based upon:
5279 (i) the bill of sale or other written evidence of value of the vehicle being sold and the
5280 vehicle being traded in; or
5281 (ii) in the absence of a bill of sale or other written evidence of value, the then existing
5282 fair market value of the vehicle being sold and the vehicle being traded in, as determined by the
5283 commission; and
5284 (b) Subsection (17)(a) does not apply to the following items of tangible personal
5285 property or products transferred electronically traded in as full or part payment of the purchase
5286 price:
5287 (i) money;
5288 (ii) electricity;
5289 (iii) water;
5290 (iv) gas; or
5291 (v) steam;
5292 (18) (a) (i) except as provided in Subsection (18)(b), sales of tangible personal property
5293 or a product transferred electronically used or consumed primarily and directly in farming

5294 operations, regardless of whether the tangible personal property or product transferred
 5295 electronically:

5296 (A) becomes part of real estate; or
 5297 (B) is installed by a[?] farmer, contractor, or subcontractor; or
 5298 ~~[(F) farmer;]~~
 5299 ~~[(H) contractor; or]~~
 5300 ~~[(HH) subcontractor; or]~~

5301 (ii) sales of parts used in the repairs or renovations of tangible personal property or a
 5302 product transferred electronically if the tangible personal property or product transferred
 5303 electronically is exempt under Subsection (18)(a)(i); and

5304 (b) amounts paid or charged for the following are subject to the taxes imposed by this
 5305 chapter:

5306 (i) (A) subject to Subsection (18)(b)(i)(B), machinery, equipment, materials, or
 5307 supplies if used in a manner that is incidental to farming; and
 5308 (B) tangible personal property that is considered to be used in a manner that is
 5309 incidental to farming includes:

5310 (I) hand tools; or
 5311 (II) maintenance and janitorial equipment and supplies;

5312 (ii) (A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product
 5313 transferred electronically if the tangible personal property or product transferred electronically
 5314 is used in an activity other than farming; and
 5315 (B) tangible personal property or a product transferred electronically that is considered
 5316 to be used in an activity other than farming includes:

5317 (I) office equipment and supplies; or
 5318 (II) equipment and supplies used in:

5319 (Aa) the sale or distribution of farm products;
 5320 (Bb) research; or
 5321 (Cc) transportation; or

5322 (iii) a vehicle required to be registered by the laws of this state during the period
 5323 ending two years after the date of the vehicle's purchase;

5324 (19) sales of hay;

5325 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or
5326 garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or
5327 garden, farm, or other agricultural produce is sold by:

5328 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other
5329 agricultural produce;

5330 (b) an employee of the producer described in Subsection (20)(a); or

5331 (c) a member of the immediate family of the producer described in Subsection (20)(a);

5332 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued
5333 under the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;

5334 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,
5335 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,
5336 wholesaler, or retailer for use in packaging tangible personal property to be sold by that
5337 manufacturer, processor, wholesaler, or retailer;

5338 (23) a product stored in the state for resale;

5339 (24) (a) purchases of a product if:

5340 (i) the product is:

5341 (A) purchased outside of this state;

5342 (B) brought into this state:

5343 (I) at any time after the purchase described in Subsection (24)(a)(i)(A); and

5344 (II) by a nonresident person who is not living or working in this state at the time of the
5345 purchase;

5346 (C) used for the personal use or enjoyment of the nonresident person described in
5347 Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state; and

5348 (D) not used in conducting business in this state; and

5349 (ii) for:

5350 (A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use of
5351 the product for a purpose for which the product is designed occurs outside of this state;

5352 (B) a boat, the boat is registered outside of this state; or

5353 (C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered
5354 outside of this state;

5355 (b) the exemption provided for in Subsection (24)(a) does not apply to:

5356 (i) a lease or rental of a product; or
 5357 (ii) a sale of a vehicle exempt under Subsection (33); and
 5358 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
 5359 purposes of Subsection (24)(a), the commission may by rule define what constitutes the
 5360 following:
 5361 (i) conducting business in this state if that phrase has the same meaning in this
 5362 Subsection (24) as in Subsection (63);
 5363 (ii) the first use of a product if that phrase has the same meaning in this Subsection (24)
 5364 as in Subsection (63); or
 5365 (iii) a purpose for which a product is designed if that phrase has the same meaning in
 5366 this Subsection (24) as in Subsection (63);
 5367 (25) a product purchased for resale in the regular course of business, either in its
 5368 original form or as an ingredient or component part of a manufactured or compounded product;
 5369 (26) a product upon which a sales or use tax was paid to some other state, or one of its
 5370 subdivisions, except that the state shall be paid any difference between the tax paid and the tax
 5371 imposed by this part and Part 2, Local Sales and Use Tax Act, and no adjustment is allowed if
 5372 the tax paid was greater than the tax imposed by this part and Part 2, Local Sales and Use Tax
 5373 Act;
 5374 (27) any sale of a service described in Subsections [59-12-103](#)(1)(b), (c), and (d) to a
 5375 person for use in compounding a service taxable under the subsections;
 5376 (28) purchases made in accordance with the special supplemental nutrition program for
 5377 women, infants, and children established in 42 U.S.C. Sec. 1786;
 5378 (29) sales or leases of rolls, rollers, refractory brick, electric motors, or other
 5379 replacement parts used in the furnaces, mills, or ovens of a steel mill described in SIC Code
 5380 3312 of the 1987 Standard Industrial Classification Manual of the federal Executive Office of
 5381 the President, Office of Management and Budget;
 5382 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State
 5383 Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard motor is:
 5384 (a) not registered in this state; and
 5385 (b) (i) not used in this state; or
 5386 (ii) used in this state:

5387 (A) if the boat, boat trailer, or outboard motor is not used to conduct business, for a
5388 time period that does not exceed the longer of:
5389 (I) 30 days in any calendar year; or
5390 (II) the time period necessary to transport the boat, boat trailer, or outboard motor to
5391 the borders of this state; or
5392 (B) if the boat, boat trailer, or outboard motor is used to conduct business, for the time
5393 period necessary to transport the boat, boat trailer, or outboard motor to the borders of this
5394 state;
5395 (31) sales of aircraft manufactured in Utah;
5396 (32) amounts paid for the purchase of telecommunications service for purposes of
5397 providing telecommunications service;
5398 (33) sales, leases, or uses of the following:
5399 (a) a vehicle by an authorized carrier; or
5400 (b) tangible personal property that is installed on a vehicle:
5401 (i) sold or leased to or used by an authorized carrier; and
5402 (ii) before the vehicle is placed in service for the first time;
5403 (34) (a) 45% of the sales price of any new manufactured home; and
5404 (b) 100% of the sales price of any used manufactured home;
5405 (35) sales relating to schools and fundraising sales;
5406 (36) sales or rentals of durable medical equipment if:
5407 (a) a person presents a prescription for the durable medical equipment; and
5408 (b) the durable medical equipment is used for home use only;
5409 (37) (a) sales to a ski resort of electricity to operate a passenger ropeway as defined in
5410 Section 72-11-102; and
5411 (b) the commission shall by rule determine the method for calculating sales exempt
5412 under Subsection (37)(a) that are not separately metered and accounted for in utility billings;
5413 (38) sales to a ski resort of:
5414 (a) snowmaking equipment;
5415 (b) ski slope grooming equipment;
5416 (c) passenger ropeways as defined in Section 72-11-102; or
5417 (d) parts used in the repairs or renovations of equipment or passenger ropeways

5418 described in Subsections (38)(a) through (c);

5419 (39) subject to Subsection 59-12-103(2)(j), sales of natural gas, electricity, heat, coal,
5420 fuel oil, or other fuels for industrial use;

5421 (40) (a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for
5422 amusement, entertainment, or recreation an unassisted amusement device as defined in Section
5423 59-12-102;

5424 (b) if a seller that sells or rents at the same business location the right to use or operate
5425 for amusement, entertainment, or recreation one or more unassisted amusement devices and
5426 one or more assisted amusement devices, the exemption described in Subsection (40)(a)
5427 applies if the seller separately accounts for the sales or rentals of the right to use or operate for
5428 amusement, entertainment, or recreation for the assisted amusement devices; and

5429 (c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3,
5430 Utah Administrative Rulemaking Act, the commission may make rules:

5431 (i) governing the circumstances under which sales are at the same business location;
5432 and

5433 (ii) establishing the procedures and requirements for a seller to separately account for
5434 the sales or rentals of the right to use or operate for amusement, entertainment, or recreation for
5435 assisted amusement devices;

5436 (41) (a) sales of photocopies by:

5437 (i) a governmental entity; or

5438 (ii) an entity within the state system of public education, including:

5439 (A) a school; or

5440 (B) the State Board of Education; or

5441 (b) sales of publications by a governmental entity;

5442 (42) amounts paid for admission to an athletic event at an institution of higher
5443 education that is subject to the provisions of Title IX of the Education Amendments of 1972,
5444 20 U.S.C. Sec. 1681 et seq.;

5445 (43) (a) sales made to or by:

5446 (i) an area agency on aging; or

5447 (ii) a senior citizen center owned by a county, city, or town; or

5448 (b) sales made by a senior citizen center that contracts with an area agency on aging;

5449 (44) sales or leases of semiconductor fabricating, processing, research, or development
5450 materials regardless of whether the semiconductor fabricating, processing, research, or
5451 development materials:

5452 (a) actually come into contact with a semiconductor; or

5453 (b) ultimately become incorporated into real property;

5454 (45) an amount paid by or charged to a purchaser for accommodations and services
5455 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under Section
5456 59-12-104.2;

5457 (46) [~~beginning on September 1, 2001,~~] the lease or use of a vehicle issued a temporary
5458 sports event registration certificate in accordance with Section 41-3-306 for the event period
5459 specified on the temporary sports event registration certificate;

5460 (47) (a) sales or uses of electricity, if the sales or uses are made under a retail tariff
5461 adopted by the Public Service Commission only for purchase of electricity produced from a
5462 new alternative energy source built after January 1, 2016, as designated in the tariff by the
5463 Public Service Commission; and

5464 (b) for a residential use customer only, the exemption under Subsection (47)(a) applies
5465 only to the portion of the tariff rate a customer pays under the tariff described in Subsection
5466 (47)(a) that exceeds the tariff rate under the tariff described in Subsection (47)(a) that the
5467 customer would have paid absent the tariff;

5468 (48) sales or rentals of mobility enhancing equipment if a person presents a
5469 prescription for the mobility enhancing equipment;

5470 (49) sales of water in a:

5471 (a) pipe;

5472 (b) conduit;

5473 (c) ditch; or

5474 (d) reservoir;

5475 (50) sales of currency or coins that constitute legal tender of a state, the United States,
5476 or a foreign nation;

5477 (51) (a) sales of an item described in Subsection (51)(b) if the item:

5478 (i) does not constitute legal tender of a state, the United States, or a foreign nation; and

5479 (ii) has a gold, silver, or platinum content of 50% or more; and

5480 (b) Subsection (51)(a) applies to a gold, silver, or platinum:
5481 (i) ingot;
5482 (ii) bar;
5483 (iii) medallion; or
5484 (iv) decorative coin;
5485 (52) amounts paid on a sale-leaseback transaction;
5486 (53) sales of a prosthetic device:
5487 (a) for use on or in a human; and
5488 (b) (i) for which a prescription is required; or
5489 (ii) if the prosthetic device is purchased by a hospital or other medical facility;
5490 (54) (a) except as provided in Subsection (54)(b), purchases, leases, or rentals of
5491 machinery or equipment by an establishment described in Subsection (54)(c) if the machinery
5492 or equipment is primarily used in the production or postproduction of the following media for
5493 commercial distribution:
5494 (i) a motion picture;
5495 (ii) a television program;
5496 (iii) a movie made for television;
5497 (iv) a music video;
5498 (v) a commercial;
5499 (vi) a documentary; or
5500 (vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the
5501 commission by administrative rule made in accordance with Subsection (54)(d); or
5502 (b) purchases, leases, or rentals of machinery or equipment by an establishment
5503 described in Subsection (54)(c) that is used for the production or postproduction of the
5504 following are subject to the taxes imposed by this chapter:
5505 (i) a live musical performance;
5506 (ii) a live news program; or
5507 (iii) a live sporting event;
5508 (c) the following establishments listed in the 1997 North American Industry
5509 Classification System of the federal Executive Office of the President, Office of Management
5510 and Budget, apply to Subsections (54)(a) and (b):

5511 (i) NAICS Code 512110; or
5512 (ii) NAICS Code 51219; and
5513 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5514 commission may by rule:
5515 (i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi);
5516 or
5517 (ii) define:
5518 (A) "commercial distribution";
5519 (B) "live musical performance";
5520 (C) "live news program"; or
5521 (D) "live sporting event";
5522 (55) (a) leases of seven or more years or purchases made on or after July 1, 2004, but
5523 on or before June 30, 2027, of tangible personal property that:
5524 (i) is leased or purchased for or by a facility that:
5525 (A) is an alternative energy electricity production facility;
5526 (B) is located in the state; and
5527 (C) (I) becomes operational on or after July 1, 2004; or
5528 (II) has its generation capacity increased by one or more megawatts on or after July 1,
5529 2004, as a result of the use of the tangible personal property;
5530 (ii) has an economic life of five or more years; and
5531 (iii) is used to make the facility or the increase in capacity of the facility described in
5532 Subsection (55)(a)(i) operational up to the point of interconnection with an existing
5533 transmission grid including:
5534 (A) a wind turbine;
5535 (B) generating equipment;
5536 (C) a control and monitoring system;
5537 (D) a power line;
5538 (E) substation equipment;
5539 (F) lighting;
5540 (G) fencing;
5541 (H) pipes; or

5542 (I) other equipment used for locating a power line or pole; and
 5543 (b) this Subsection (55) does not apply to:
 5544 (i) tangible personal property used in construction of:
 5545 (A) a new alternative energy electricity production facility; or
 5546 (B) the increase in the capacity of an alternative energy electricity production facility;
 5547 (ii) contracted services required for construction and routine maintenance activities;
 5548 and
 5549 (iii) unless the tangible personal property is used or acquired for an increase in capacity
 5550 of the facility described in Subsection (55)(a)(i)(C)(II), tangible personal property used or
 5551 acquired after:
 5552 (A) the alternative energy electricity production facility described in Subsection
 5553 (55)(a)(i) is operational as described in Subsection (55)(a)(iii); or
 5554 (B) the increased capacity described in Subsection (55)(a)(i) is operational as described
 5555 in Subsection (55)(a)(iii);
 5556 (56) (a) leases of seven or more years or purchases made on or after July 1, 2004, but
 5557 on or before June 30, 2027, of tangible personal property that:
 5558 (i) is leased or purchased for or by a facility that:
 5559 (A) is a waste energy production facility;
 5560 (B) is located in the state; and
 5561 (C) (I) becomes operational on or after July 1, 2004; or
 5562 (II) has its generation capacity increased by one or more megawatts on or after July 1,
 5563 2004, as a result of the use of the tangible personal property;
 5564 (ii) has an economic life of five or more years; and
 5565 (iii) is used to make the facility or the increase in capacity of the facility described in
 5566 Subsection (56)(a)(i) operational up to the point of interconnection with an existing
 5567 transmission grid including:
 5568 (A) generating equipment;
 5569 (B) a control and monitoring system;
 5570 (C) a power line;
 5571 (D) substation equipment;
 5572 (E) lighting;

5573 (F) fencing;
5574 (G) pipes; or
5575 (H) other equipment used for locating a power line or pole; and
5576 (b) this Subsection (56) does not apply to:
5577 (i) tangible personal property used in construction of:
5578 (A) a new waste energy facility; or
5579 (B) the increase in the capacity of a waste energy facility;
5580 (ii) contracted services required for construction and routine maintenance activities;
5581 and
5582 (iii) unless the tangible personal property is used or acquired for an increase in capacity
5583 described in Subsection (56)(a)(i)(C)(II), tangible personal property used or acquired after:
5584 (A) the waste energy facility described in Subsection (56)(a)(i) is operational as
5585 described in Subsection (56)(a)(iii); or
5586 (B) the increased capacity described in Subsection (56)(a)(i) is operational as described
5587 in Subsection (56)(a)(iii);
5588 (57) (a) leases of five or more years or purchases made on or after July 1, 2004, but on
5589 or before June 30, 2027, of tangible personal property that:
5590 (i) is leased or purchased for or by a facility that:
5591 (A) is located in the state;
5592 (B) produces fuel from alternative energy, including:
5593 (I) methanol; or
5594 (II) ethanol; and
5595 (C) (I) becomes operational on or after July 1, 2004; or
5596 (II) has its capacity to produce fuel increase by 25% or more on or after July 1, 2004, as
5597 a result of the installation of the tangible personal property;
5598 (ii) has an economic life of five or more years; and
5599 (iii) is installed on the facility described in Subsection (57)(a)(i);
5600 (b) this Subsection (57) does not apply to:
5601 (i) tangible personal property used in construction of:
5602 (A) a new facility described in Subsection (57)(a)(i); or
5603 (B) the increase in capacity of the facility described in Subsection (57)(a)(i); or

5604 (ii) contracted services required for construction and routine maintenance activities;
5605 and
5606 (iii) unless the tangible personal property is used or acquired for an increase in capacity
5607 described in Subsection (57)(a)(i)(C)(II), tangible personal property used or acquired after:
5608 (A) the facility described in Subsection (57)(a)(i) is operational; or
5609 (B) the increased capacity described in Subsection (57)(a)(i) is operational;
5610 (58) (a) subject to Subsection (58)(b) ~~[or (c)]~~, sales of tangible personal property or a
5611 product transferred electronically to a person within this state if that tangible personal property
5612 or product transferred electronically is subsequently shipped outside the state and incorporated
5613 pursuant to contract into and becomes a part of real property located outside of this state; and
5614 (b) the exemption under Subsection (58)(a) is not allowed to the extent that the other
5615 state or political entity to which the tangible personal property is shipped imposes a sales, use,
5616 gross receipts, or other similar transaction excise tax on the transaction against which the other
5617 state or political entity allows a credit for sales and use taxes imposed by this chapter; ~~[and]~~
5618 ~~[(c) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund,~~
5619 ~~a person may claim the exemption allowed by this Subsection (58) for a sale by filing for a~~
5620 ~~refund;]~~
5621 ~~[(i) if the sale is made on or after July 1, 2004, but on or before June 30, 2008;]~~
5622 ~~[(ii) as if this Subsection (58) as in effect on July 1, 2008, were in effect on the day on~~
5623 ~~which the sale is made;]~~
5624 ~~[(iii) if the person did not claim the exemption allowed by this Subsection (58) for the~~
5625 ~~sale prior to filing for the refund;]~~
5626 ~~[(iv) for sales and use taxes paid under this chapter on the sale;]~~
5627 ~~[(v) in accordance with Section 59-1-1410; and]~~
5628 ~~[(vi) subject to any extension allowed for filing for a refund under Section 59-1-1410;~~
5629 ~~if the person files for the refund on or before June 30, 2011;]~~
5630 (59) purchases:
5631 (a) of one or more of the following items in printed or electronic format:
5632 (i) a list containing information that includes one or more:
5633 (A) names; or
5634 (B) addresses; or

5635 (ii) a database containing information that includes one or more:
5636 (A) names; or
5637 (B) addresses; and
5638 (b) used to send direct mail;
5639 (60) redemptions or repurchases of a product by a person if that product was:
5640 (a) delivered to a pawnbroker as part of a pawn transaction; and
5641 (b) redeemed or repurchased within the time period established in a written agreement
5642 between the person and the pawnbroker for redeeming or repurchasing the product;
5643 (61) (a) purchases or leases of an item described in Subsection (61)(b) if the item:
5644 (i) is purchased or leased by, or on behalf of, a telecommunications service provider;
5645 and
5646 (ii) has a useful economic life of one or more years; and
5647 (b) the following apply to Subsection (61)(a):
5648 (i) telecommunications enabling or facilitating equipment, machinery, or software;
5649 (ii) telecommunications equipment, machinery, or software required for 911 service;
5650 (iii) telecommunications maintenance or repair equipment, machinery, or software;
5651 (iv) telecommunications switching or routing equipment, machinery, or software; or
5652 (v) telecommunications transmission equipment, machinery, or software;
5653 (62) (a) beginning on July 1, 2006, and ending on June 30, 2027, purchases of tangible
5654 personal property or a product transferred electronically that are used in the research and
5655 development of alternative energy technology; and
5656 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5657 commission may, for purposes of Subsection (62)(a), make rules defining what constitutes
5658 purchases of tangible personal property or a product transferred electronically that are used in
5659 the research and development of alternative energy technology;
5660 (63) (a) purchases of tangible personal property or a product transferred electronically
5661 if:
5662 (i) the tangible personal property or product transferred electronically is:
5663 (A) purchased outside of this state;
5664 (B) brought into this state at any time after the purchase described in Subsection
5665 (63)(a)(i)(A); and

5666 (C) used in conducting business in this state; and
5667 (ii) for:
5668 (A) tangible personal property or a product transferred electronically other than the
5669 tangible personal property described in Subsection (63)(a)(ii)(B), the first use of the property
5670 for a purpose for which the property is designed occurs outside of this state; or
5671 (B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered
5672 outside of this state and not required to be registered in this state under Section 41-1a-202 or
5673 73-18-9 based on residency;
5674 (b) the exemption provided for in Subsection (63)(a) does not apply to:
5675 (i) a lease or rental of tangible personal property or a product transferred electronically;
5676 or
5677 (ii) a sale of a vehicle exempt under Subsection (33); and
5678 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
5679 purposes of Subsection (63)(a), the commission may by rule define what constitutes the
5680 following:
5681 (i) conducting business in this state if that phrase has the same meaning in this
5682 Subsection (63) as in Subsection (24);
5683 (ii) the first use of tangible personal property or a product transferred electronically if
5684 that phrase has the same meaning in this Subsection (63) as in Subsection (24); or
5685 (iii) a purpose for which tangible personal property or a product transferred
5686 electronically is designed if that phrase has the same meaning in this Subsection (63) as in
5687 Subsection (24);
5688 (64) sales of disposable home medical equipment or supplies if:
5689 (a) a person presents a prescription for the disposable home medical equipment or
5690 supplies;
5691 (b) the disposable home medical equipment or supplies are used exclusively by the
5692 person to whom the prescription described in Subsection (64)(a) is issued; and
5693 (c) the disposable home medical equipment and supplies are listed as eligible for
5694 payment under:
5695 (i) Title XVIII, federal Social Security Act; or
5696 (ii) the state plan for medical assistance under Title XIX, federal Social Security Act;

5697 (65) sales:
5698 (a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit
5699 District Act; or
5700 (b) of tangible personal property to a subcontractor of a public transit district, if the
5701 tangible personal property is:
5702 (i) clearly identified; and
5703 (ii) installed or converted to real property owned by the public transit district;
5704 (66) sales of construction materials:
5705 (a) purchased on or after July 1, 2010;
5706 (b) purchased by, on behalf of, or for the benefit of an international airport:
5707 (i) located within a county of the first class; and
5708 (ii) that has a United States customs office on its premises; and
5709 (c) if the construction materials are:
5710 (i) clearly identified;
5711 (ii) segregated; and
5712 (iii) installed or converted to real property:
5713 (A) owned or operated by the international airport described in Subsection (66)(b); and
5714 (B) located at the international airport described in Subsection (66)(b);
5715 (67) sales of construction materials:
5716 (a) purchased on or after July 1, 2008;
5717 (b) purchased by, on behalf of, or for the benefit of a new airport:
5718 (i) located within a county of the second class; and
5719 (ii) that is owned or operated by a city in which an airline as defined in Section
5720 59-2-102 is headquartered; and
5721 (c) if the construction materials are:
5722 (i) clearly identified;
5723 (ii) segregated; and
5724 (iii) installed or converted to real property:
5725 (A) owned or operated by the new airport described in Subsection (67)(b);
5726 (B) located at the new airport described in Subsection (67)(b); and
5727 (C) as part of the construction of the new airport described in Subsection (67)(b);

5728 (68) except for the tax imposed by Subsection 59-12-103(2)(d), sales of fuel to a
5729 common carrier that is a railroad for use in a locomotive engine;
5730 (69) purchases and sales described in Section 63H-4-111;
5731 (70) (a) sales of tangible personal property to an aircraft maintenance, repair, and
5732 overhaul provider for use in the maintenance, repair, overhaul, or refurbishment in this state of
5733 a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration
5734 lists a state or country other than this state as the location of registry of the fixed wing turbine
5735 powered aircraft; or
5736 (b) sales of tangible personal property by an aircraft maintenance, repair, and overhaul
5737 provider in connection with the maintenance, repair, overhaul, or refurbishment in this state of
5738 a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration
5739 lists a state or country other than this state as the location of registry of the fixed wing turbine
5740 powered aircraft;
5741 (71) subject to Section 59-12-104.4, sales of a textbook for a higher education course:
5742 (a) to a person admitted to an institution of higher education; and
5743 (b) by a seller, other than a bookstore owned by an institution of higher education, if
5744 51% or more of that seller's sales revenue for the previous calendar quarter are sales of a
5745 textbook for a higher education course;
5746 (72) a license fee or tax a municipality imposes in accordance with Subsection
5747 10-1-203(5) on a purchaser from a business for which the municipality provides an enhanced
5748 level of municipal services;
5749 (73) amounts paid or charged for construction materials used in the construction of a
5750 new or expanding life science research and development facility in the state, if the construction
5751 materials are:
5752 (a) clearly identified;
5753 (b) segregated; and
5754 (c) installed or converted to real property;
5755 (74) amounts paid or charged for:
5756 (a) a purchase or lease of machinery and equipment that:
5757 (i) are used in performing qualified research:
5758 (A) as defined in Section 41(d), Internal Revenue Code; and

5759 (B) in the state; and
5760 (ii) have an economic life of three or more years; and
5761 (b) normal operating repair or replacement parts:
5762 (i) for the machinery and equipment described in Subsection (74)(a); and
5763 (ii) that have an economic life of three or more years;
5764 (75) a sale or lease of tangible personal property used in the preparation of prepared
5765 food if:
5766 (a) for a sale:
5767 (i) the ownership of the seller and the ownership of the purchaser are identical; and
5768 (ii) the seller or the purchaser paid a tax under this chapter on the purchase of that
5769 tangible personal property prior to making the sale; or
5770 (b) for a lease:
5771 (i) the ownership of the lessor and the ownership of the lessee are identical; and
5772 (ii) the lessor or the lessee paid a tax under this chapter on the purchase of that tangible
5773 personal property prior to making the lease;
5774 (76) (a) purchases of machinery or equipment if:
5775 (i) the purchaser is an establishment described in NAICS Subsector 713, Amusement,
5776 Gambling, and Recreation Industries, of the 2012 North American Industry Classification
5777 System of the federal Executive Office of the President, Office of Management and Budget;
5778 (ii) the machinery or equipment:
5779 (A) has an economic life of three or more years; and
5780 (B) is used by one or more persons who pay admission or user fees described in
5781 Subsection 59-12-103(1)(f) to the purchaser of the machinery and equipment; and
5782 (iii) 51% or more of the purchaser's sales revenue for the previous calendar quarter is:
5783 (A) amounts paid or charged as admission or user fees described in Subsection
5784 59-12-103(1)(f); and
5785 (B) subject to taxation under this chapter; and
5786 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5787 commission may make rules for verifying that 51% of a purchaser's sales revenue for the
5788 previous calendar quarter is:
5789 (i) amounts paid or charged as admission or user fees described in Subsection

5790 59-12-103(1)(f); and
5791 (ii) subject to taxation under this chapter;
5792 (77) purchases of a short-term lodging consumable by a business that provides
5793 accommodations and services described in Subsection 59-12-103(1)(i);
5794 (78) amounts paid or charged to access a database:
5795 (a) if the primary purpose for accessing the database is to view or retrieve information
5796 from the database; and
5797 (b) not including amounts paid or charged for a:
5798 (i) digital audio work;
5799 (ii) digital audio-visual work; or
5800 (iii) digital book;
5801 (79) amounts paid or charged for a purchase or lease made by an electronic financial
5802 payment service, of:
5803 (a) machinery and equipment that:
5804 (i) are used in the operation of the electronic financial payment service; and
5805 (ii) have an economic life of three or more years; and
5806 (b) normal operating repair or replacement parts that:
5807 (i) are used in the operation of the electronic financial payment service; and
5808 (ii) have an economic life of three or more years;
5809 (80) ~~[beginning on April 1, 2013,]~~ sales of a fuel cell as defined in Section 54-15-102;
5810 (81) amounts paid or charged for a purchase or lease of tangible personal property or a
5811 product transferred electronically if the tangible personal property or product transferred
5812 electronically:
5813 (a) is stored, used, or consumed in the state; and
5814 (b) is temporarily brought into the state from another state:
5815 (i) during a disaster period as defined in Section 53-2a-1202;
5816 (ii) by an out-of-state business as defined in Section 53-2a-1202;
5817 (iii) for a declared state disaster or emergency as defined in Section 53-2a-1202; and
5818 (iv) for disaster- or emergency-related work as defined in Section 53-2a-1202;
5819 (82) sales of goods and services at a morale, welfare, and recreation facility, as defined
5820 in Section 39-9-102, made pursuant to Title 39, Chapter 9, State Morale, Welfare, and

5821 Recreation Program;

5822 (83) amounts paid or charged for a purchase or lease of molten magnesium;

5823 (84) amounts paid or charged for a purchase or lease made by a qualifying data center

5824 or an occupant of a qualifying data center of machinery, equipment, or normal operating repair

5825 or replacement parts, if the machinery, equipment, or normal operating repair or replacement

5826 parts:

5827 (a) are used in:

5828 (i) the operation of the qualifying data center; or

5829 (ii) the occupant's operations in the qualifying data center; and

5830 (b) have an economic life of one or more years;

5831 (85) sales of cleaning or washing of a vehicle, except for cleaning or washing of a

5832 vehicle that includes cleaning or washing of the interior of the vehicle;

5833 (86) amounts paid or charged for a purchase or lease of machinery, equipment, normal

5834 operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or supplies used

5835 or consumed:

5836 (a) by a refiner who owns, leases, operates, controls, or supervises a refinery as defined

5837 in Section 63M-4-701 located in the state;

5838 (b) if the machinery, equipment, normal operating repair or replacement parts,

5839 catalysts, chemicals, reagents, solutions, or supplies are used or consumed in:

5840 (i) the production process to produce gasoline or diesel fuel, or at which blendstock is

5841 added to gasoline or diesel fuel;

5842 (ii) research and development;

5843 (iii) transporting, storing, or managing raw materials, work in process, finished

5844 products, and waste materials produced from refining gasoline or diesel fuel, or adding

5845 blendstock to gasoline or diesel fuel;

5846 (iv) developing or maintaining a road, tunnel, excavation, or similar feature used in

5847 refining; or

5848 (v) preventing, controlling, or reducing pollutants from refining; and

5849 (c) ~~[beginning on July 1, 2021,]~~ if the person holds a valid refiner tax exemption

5850 certification as defined in Section 63M-4-701;

5851 (87) amounts paid to or charged by a proprietor for accommodations and services, as

defined in Section 63H-1-205, if the proprietor is subject to the MIDA accommodations tax imposed under Section 63H-1-205;

(88) amounts paid or charged for a purchase or lease of machinery, equipment, normal operating repair or replacement parts, or materials, except for office equipment or office supplies, by an establishment, as the commission defines that term in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(a) is described in NAICS Code 621511, Medical Laboratories, of the 2017 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget;

(b) is located in this state; and

(c) uses the machinery, equipment, normal operating repair or replacement parts, or materials in the operation of the establishment; and

(89) amounts paid or charged for an item exempt under Section 59-12-104.10.

Section 41. Section 59-12-209 is amended to read:

59-12-209. Participation of qualifying jurisdictions in administration and enforcement of certain local sales and use taxes -- Petition for reconsideration relating to the redistribution of certain sales and use tax revenues.

(1) As used in this section, "qualifying jurisdiction" means the same as that term is defined in Section 59-1-403.

~~[(1)]~~ (2) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, a ~~[county, city, or town]~~ qualifying jurisdiction does not have the right to any of the following, except as specifically allowed by Subsection ~~[(2)]~~ (3) and Section 59-12-210:

(a) to inspect, review, or have access to any taxpayer sales and use tax records; or

(b) to be informed of, participate in, intervene in, or appeal from any adjudicative proceeding commenced pursuant to Section 63G-4-201 to determine the liability of any taxpayer for sales and use taxes imposed pursuant to this chapter.

~~[(2)]~~ (3) (a) ~~[Counties, cities, and towns]~~ A qualifying jurisdiction shall have access to records and information on file with the commission, and shall have the right to notice of, and rights to intervene in or to appeal from, a proposed final agency action of the commission as provided in this Subsection ~~[(2)]~~ (3).

(b) If the commission, following a formal adjudicative proceeding commenced

pursuant to Title 63G, Chapter 4, Administrative Procedures Act, proposes to take final agency action that would reduce the amount of sales and use tax liability alleged in the notice of deficiency, the commission shall provide notice of a proposed agency action to each ~~[qualified county, city, and town]~~. ~~(c) For purposes of this Subsection (2), a county, city, or town is a~~ ~~qualified county, city, or town if a~~ qualifying jurisdiction if the proposed final agency action reduces a tax under this chapter distributable to that ~~[county, city, or town]~~ qualifying jurisdiction by more than \$10,000 below the amount of the tax that would have been distributable to that ~~[county, city, or town]~~ qualifying jurisdiction had a notice of deficiency, as described in Section 59-1-1405, not been reduced.

~~[(d)]~~ (c) A ~~[qualified county, city, or town]~~ qualifying jurisdiction that receives notice described in Subsection (3)(b) may designate a representative who shall have the right to review the record of the formal hearing and any other commission records relating to a proposed final agency action subject to the confidentiality provisions of Section 59-1-403.

~~[(e)]~~ (d) No later than 10 days after receiving the notice of the commission's proposed final agency action, a ~~[qualified county, city, or town]~~ qualifying jurisdiction may file a notice of intervention with the commission.

~~[(f)]~~ (e) No later than 20 days after filing a notice of intervention, if a ~~[qualified county, city, or town]~~ qualifying jurisdiction objects to the proposed final agency action, that ~~[qualified county, city, or town]~~ qualifying jurisdiction may file a petition for reconsideration with the commission and shall serve copies of the petition on the taxpayer and the appropriate division in the commission.

~~[(g)]~~ (f) The taxpayer and appropriate division in the commission may each file a response to the petition for reconsideration within 20 days of receipt of the petition for reconsideration.

~~[(h)]~~ (g) (i) After consideration of the petition for reconsideration and any response, and any additional proceeding the commission considers appropriate, the commission may affirm, modify, or amend its proposed final agency action.

(ii) A taxpayer and any ~~[qualified county, city, or town]~~ qualifying jurisdiction that has filed a petition for reconsideration may appeal the final agency action.

~~[(i)]~~ (h) (i) Notwithstanding Subsections ~~[(2)]~~ (3)(a) through ~~[(h)]~~ (g) and subject to Subsection ~~[(2)]~~ (3)(h)(ii), the following may file a petition for reconsideration with the

5914 commission:

5915 (A) an original recipient political subdivision as defined in Section 59-12-210.1 that
5916 receives a notice from the commission in accordance with Subsection 59-12-210.1(2); or

5917 (B) a secondary recipient political subdivision as defined in Section 59-12-210.1 that
5918 receives a notice from the commission in accordance with Subsection 59-12-210.1(2).

5919 (ii) An original recipient political subdivision or secondary recipient political
5920 subdivision that files a petition for reconsideration with the commission under Subsection
5921 ~~[(2)(i)]~~ (3)(h)(i) shall file the petition no later than 20 days after the later of:

5922 (A) the date the original recipient political subdivision or secondary recipient political
5923 subdivision receives the notice described in Subsection ~~[(2)(i)]~~ (3)(h)(i) from the commission;
5924 or

5925 (B) the date the commission makes the redistribution as defined in Section 59-12-210.1
5926 that is the subject of the notice described in Subsection ~~[(2)(i)]~~ (3)(h)(i).

5927 Section 42. Section 59-12-210 is amended to read:

5928 **59-12-210. Commission to provide data to counties.**

5929 (1) As used in this section, "qualifying jurisdiction" means the same as that term is
5930 defined in Section 59-1-403.

5931 ~~[(1)]~~ (2) (a) The commission shall provide to each ~~[county]~~ qualifying jurisdiction the
5932 sales and use tax collection data necessary to verify that sales and use tax revenues collected by
5933 the commission are distributed to each ~~[county, city, and town]~~ qualifying jurisdiction in
5934 accordance with Sections 59-12-211 through 59-12-215.

5935 (b) The data described in Subsection ~~[(1)]~~ (2)(a) shall include the commission's reports
5936 of seller sales, sales and use tax distribution reports, and a breakdown of local revenues.

5937 ~~[(2)]~~ (3) (a) In addition to the access to information provided in Subsection (1) and
5938 Section 59-12-109, the commission shall provide a ~~[county, city, or town]~~ qualifying
5939 jurisdiction with copies of returns and other information required by this chapter relating to a
5940 tax under this chapter.

5941 (b) The information described in Subsection ~~[(2)]~~ (3)(a) is available only in official
5942 matters and must be requested in writing by the chief executive officer or the chief executive
5943 officer's designee.

5944 (c) The request described in Subsection ~~[(2)]~~ (3)(b) shall specifically indicate the

5945 information being sought and how the information will be used.

5946 (d) Information received pursuant to the request described in Subsection [~~(2)~~] (3)(b)
5947 shall be:

5948 (i) classified as private or protected under Section 63G-2-302 or 63G-2-305; and

5949 (ii) subject to the confidentiality provisions of Section 59-1-403.

5950 Section 43. Section 59-14-212 is amended to read:

5951 **59-14-212. Reporting of imported cigarettes -- Penalty.**

5952 (1) Except as provided under Subsection (2), any manufacturer, distributor, wholesaler,
5953 or retail dealer who under Section 59-14-205 affixes a stamp to an individual package or
5954 container of cigarettes imported to the United States shall provide to the commission the
5955 following as they pertain to the imported cigarettes:

5956 (a) a copy of the importer's federal import permit;

5957 (b) the customs form showing the tax information required by federal law;

5958 (c) a statement signed under penalty of perjury by the manufacturer or importer that the
5959 manufacturer or importer has complied with:

5960 (i) 15 U.S.C. 1333 of the Federal Cigarette Labeling and Advertising Act, regarding
5961 warning labels and other package information; and

5962 (ii) 15 U.S.C. 1335a of the Federal Cigarette Labeling and Advertising Act, regarding
5963 reporting of added ingredients;

5964 (d) the name of the person from whom the person affixing the stamp received the
5965 cigarettes;

5966 (e) the name of the person to whom the person affixing the stamp delivered the
5967 cigarettes, unless the person receiving the cigarettes was the ultimate consumer;

5968 (f) the quantity of cigarettes in the package or container; and

5969 (g) the brand and brand style of the cigarettes.

5970 (2) Subsection (1) does not apply to cigarettes sold or intended to be sold as duty-free
5971 merchandise by a duty-free sales enterprise in accordance with the provisions of 19 U.S.C.
5972 1555(b) and any implementing regulations unless the cigarettes are brought back into the
5973 customs territory for resale within the customs territory.

5974 (3) The information under Subsection (1) shall be provided on a quarterly basis on
5975 forms specified by the agency.

5976 (4) A person who fails to comply with the reporting requirement or provides false or
5977 misleading information under Subsection (1):

5978 (a) is guilty of a class B misdemeanor; and

5979 (b) may be subject to:

5980 (i) revocation or suspension of a license issued under Section 59-14-202; and

5981 (ii) a civil penalty imposed by the commission in an amount not to exceed the greater
5982 of:

5983 (A) 500% of the retail value of the cigarettes for which a report was not properly made;

5984 or

5985 (B) \$5,000.

5986 (5) The information under Subsection (1) may be disclosed by the commission as
5987 provided under Subsection 59-1-403[~~(3)~~](4)(g).

5988 Section 44. Section 62A-11-328 is amended to read:

5989 **62A-11-328. Information received from State Tax Commission provided to other**
5990 **states' child support collection agencies.**

5991 The office shall, upon request, provide to any other state's child support collection
5992 agency the information which it receives from the State Tax Commission under Subsection
5993 59-1-403[~~(3)~~](4)(l), with regard to a support debt which that agency is involved in enforcing.

5994 Section 45. Section 63G-2-302 is amended to read:

5995 **63G-2-302. Private records.**

5996 (1) The following records are private:

5997 (a) records concerning an individual's eligibility for unemployment insurance benefits,
5998 social services, welfare benefits, or the determination of benefit levels;

5999 (b) records containing data on individuals describing medical history, diagnosis,
6000 condition, treatment, evaluation, or similar medical data;

6001 (c) records of publicly funded libraries that when examined alone or with other records
6002 identify a patron;

6003 (d) records received by or generated by or for:

6004 (i) the Independent Legislative Ethics Commission, except for:

6005 (A) the commission's summary data report that is required under legislative rule; and

6006 (B) any other document that is classified as public under legislative rule; or

6007 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
6008 unless the record is classified as public under legislative rule;

6009 (e) records received by, or generated by or for, the Independent Executive Branch
6010 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
6011 of Executive Branch Ethics Complaints;

6012 (f) records received or generated for a Senate confirmation committee concerning
6013 character, professional competence, or physical or mental health of an individual:

6014 (i) if, prior to the meeting, the chair of the committee determines release of the records:

6015 (A) reasonably could be expected to interfere with the investigation undertaken by the
6016 committee; or

6017 (B) would create a danger of depriving a person of a right to a fair proceeding or
6018 impartial hearing; and

6019 (ii) after the meeting, if the meeting was closed to the public;

6020 (g) employment records concerning a current or former employee of, or applicant for
6021 employment with, a governmental entity that would disclose that individual's home address,
6022 home telephone number, social security number, insurance coverage, marital status, or payroll
6023 deductions;

6024 (h) records or parts of records under Section 63G-2-303 that a current or former
6025 employee identifies as private according to the requirements of that section;

6026 (i) that part of a record indicating a person's social security number or federal employer
6027 identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202,
6028 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

6029 (j) that part of a voter registration record identifying a voter's:

6030 (i) driver license or identification card number;

6031 (ii) social security number, or last four digits of the social security number;

6032 (iii) email address; or

6033 (iv) date of birth;

6034 (k) a voter registration record that is classified as a private record by the lieutenant
6035 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
6036 20A-2-204(4)(b);

6037 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);

6038 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
6039 verification submitted in support of the form;

6040 (n) a record that:

6041 (i) contains information about an individual;

6042 (ii) is voluntarily provided by the individual; and

6043 (iii) goes into an electronic database that:

6044 (A) is designated by and administered under the authority of the Chief Information
6045 Officer; and

6046 (B) acts as a repository of information about the individual that can be electronically
6047 retrieved and used to facilitate the individual's online interaction with a state agency;

6048 (o) information provided to the Commissioner of Insurance under:

6049 (i) Subsection 31A-23a-115(3)(a);

6050 (ii) Subsection 31A-23a-302(4); or

6051 (iii) Subsection 31A-26-210(4);

6052 (p) information obtained through a criminal background check under Title 11, Chapter
6053 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

6054 (q) information provided by an offender that is:

6055 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
6056 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and

6057 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
6058 77-43-108(4);

6059 (r) a statement and any supporting documentation filed with the attorney general in
6060 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
6061 homeland security;

6062 (s) electronic toll collection customer account information received or collected under
6063 Section 72-6-118 and customer information described in Section 17B-2a-815 received or
6064 collected by a public transit district, including contact and payment information and customer
6065 travel data;

6066 (t) an email address provided by a military or overseas voter under Section
6067 20A-16-501;

6068 (u) a completed military-overseas ballot that is electronically transmitted under Title

6069 20A, Chapter 16, Uniform Military and Overseas Voters Act;

6070 (v) records received by or generated by or for the Political Subdivisions Ethics Review

6071 Commission established in Section 63A-15-201, except for:

6072 (i) the commission's summary data report that is required in Section 63A-15-202; and

6073 (ii) any other document that is classified as public in accordance with Title 63A,

6074 Chapter 15, Political Subdivisions Ethics Review Commission;

6075 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of

6076 an incident or threat;

6077 (x) a criminal background check or credit history report conducted in accordance with

6078 Section 63A-3-201;

6079 (y) a record described in Subsection 53-5a-104(7);

6080 (z) the following portions of a record maintained by a county for the purpose of

6081 administering property taxes, an individual's:

6082 (i) email address;

6083 (ii) phone number; or

6084 (iii) personal financial information related to a person's payment method; [~~and~~]

6085 (aa) a record concerning an individual's eligibility for an exemption, deferral,

6086 abatement, or relief under:

6087 (i) Title 59, Chapter 2, Part 11, Exemptions, Deferrals, and Abatements;

6088 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;

6089 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or

6090 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions[-]; and

6091 (bb) a record provided by the State Tax Commission in response to a request under

6092 Subsection 59-1-403(3)(v)(iii).

6093 (2) The following records are private if properly classified by a governmental entity:

6094 (a) records concerning a current or former employee of, or applicant for employment

6095 with a governmental entity, including performance evaluations and personal status information

6096 such as race, religion, or disabilities, but not including records that are public under Subsection

6097 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

6098 (b) records describing an individual's finances, except that the following are public:

6099 (i) records described in Subsection 63G-2-301(2);

6100 (ii) information provided to the governmental entity for the purpose of complying with
6101 a financial assurance requirement; or
6102 (iii) records that must be disclosed in accordance with another statute;
6103 (c) records of independent state agencies if the disclosure of those records would
6104 conflict with the fiduciary obligations of the agency;
6105 (d) other records containing data on individuals the disclosure of which constitutes a
6106 clearly unwarranted invasion of personal privacy;
6107 (e) records provided by the United States or by a government entity outside the state
6108 that are given with the requirement that the records be managed as private records, if the
6109 providing entity states in writing that the record would not be subject to public disclosure if
6110 retained by it;
6111 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
6112 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
6113 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
6114 (g) audio and video recordings created by a body-worn camera, as defined in Section
6115 77-7a-103, that record sound or images inside a home or residence except for recordings that:
6116 (i) depict the commission of an alleged crime;
6117 (ii) record any encounter between a law enforcement officer and a person that results in
6118 death or bodily injury, or includes an instance when an officer fires a weapon;
6119 (iii) record any encounter that is the subject of a complaint or a legal proceeding
6120 against a law enforcement officer or law enforcement agency;
6121 (iv) contain an officer involved critical incident as defined in Subsection
6122 76-2-408(1)(f); or
6123 (v) have been requested for reclassification as a public record by a subject or
6124 authorized agent of a subject featured in the recording.
6125 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
6126 records, statements, history, diagnosis, condition, treatment, and evaluation.
6127 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
6128 doctors, or affiliated entities are not private records or controlled records under Section
6129 63G-2-304 when the records are sought:
6130 (i) in connection with any legal or administrative proceeding in which the patient's

6131 physical, mental, or emotional condition is an element of any claim or defense; or

6132 (ii) after a patient's death, in any legal or administrative proceeding in which any party
6133 relies upon the condition as an element of the claim or defense.

6134 (c) Medical records are subject to production in a legal or administrative proceeding
6135 according to state or federal statutes or rules of procedure and evidence as if the medical
6136 records were in the possession of a nongovernmental medical care provider.

6137 Section 46. **Repealer.**

6138 This bill repeals:

6139 Section **59-7-118.1, Modification of installment due date for deferred foreign**
6140 **income tax.**

6141 Section **59-7-504.1, Modification of estimated payment due date.**

6142 Section **59-7-505.1, Modification of return due date and extension period.**

6143 Section **59-7-507.1, Modification of time for payment of tax.**

6144 Section **59-10-103.2, Additional chapter definitions.**

6145 Section **59-10-114.1, Additional subtraction from income.**

6146 Section **59-10-514.2, Modification of return due date.**

6147 Section **59-10-516.1, Modification of extension dates and requirements.**

6148 Section **59-10-522.1, Limitation on commission authority to extend the time for**
6149 **payment of tax.**

6150 Section **59-10-1403.4, Modification of return filing requirements for pass-through**
6151 **entity.**

6152 Section **59-12-103.3, Sales and use tax base -- Rate for locomotive fuel.**

6153 Section 47. **Retrospective operation.**

6154 The following sections have retrospective operation for a taxable year beginning on or
6155 after January 1, 2021:

6156 (1) Section 59-7-610;

6157 (2) Section 59-7-620;

6158 (3) Section 59-10-1007;

6159 (4) Section 59-10-1017;

6160 (5) Section 59-10-1017.1;

6161 (6) Section 59-10-1022;

6162 (7) Section [59-10-1023](#);

6163 (8) Section [59-10-1028](#);

6164 (9) Section [59-10-1035](#);

6165 (10) Section [59-10-1036](#); and

6166 (11) Section [59-10-1403.3](#).

6167 Section 48. **Coordinating H.B. 30 with S.B. 58 -- Omitting substantive changes.**

6168 If this H.B. 30 and S.B. 58, Metro Township Amendments, both pass and become law,

6169 it is the intent of the Legislature that the Office of Legislative Research and General Counsel,

6170 in preparing the Utah Code database for publication, delete Subsection [10-3c-204](#)(2) enacted

6171 by S.B. 58 and renumber the remaining subsections accordingly.

6172 Section 49. **Coordinating H.B. 30 with S.B. 233 -- Superseding technical and**
6173 **substantive amendments -- Omitting substantive changes.**

6174 If this H.B. 30 and S.B. 233 Military Installation Development Authority Amendments,

6175 both pass and become law, it is the intent of the Legislature that when the Office of Legislative

6176 Research and General Counsel prepares the Utah Code database for publication:

6177 (1) the amendments to Sections [59-12-209](#) and [59-12-210](#) in this bill supersede the

6178 amendments to Sections [59-12-209](#) and [59-12-210](#) in S.B. 233; and

6179 (2) the Office of Legislative Research and General Counsel not make the changes in

6180 S.B. 233 to Sections [10-1-304](#) and [59-12-102](#).