

AMENDMENTS TO LB829

Introduced by Revenue

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 77-2701.11, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 77-2701.11 Delivery charges means charges by the seller
6 of personal property or services for preparation and delivery to
7 a location designated by the purchaser of personal property or
8 services, including, but not limited to, transportation, shipping,
9 postage, handling, crating, and packing. Delivery charges does not
10 include United States postage charges on direct mail that are
11 separately stated on the invoice, bill of sale, or similar document
12 given to the purchaser.

13 Sec. 2. Section 77-2701.35, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 77-2701.35 (1) Sales price applies to the measure subject
16 to sales tax and means the total amount of consideration, including
17 cash, credit, property, and services, for which personal property
18 or services are sold, leased, or rented, valued in money, whether
19 received in money or otherwise, without any deduction for the
20 following:

21 (a) The seller's cost of the property sold;

22 (b) The cost of materials used, the cost of labor or
23 service, interest, losses, all costs of transportation to the

1 seller, all taxes imposed on the seller, and any other expense of
2 the seller;

3 (c) Charges by the seller for any services necessary to
4 complete the sale;

5 (d) Delivery charges; and

6 (e) Installation charges.

7 (2) Sales price includes consideration received by the
8 seller from third parties if:

9 (a) The seller actually receives consideration from a
10 party other than the purchaser and the consideration is directly
11 related to a price reduction or discount on the sale;

12 (b) The seller has an obligation to pass the price
13 reduction or discount through to the purchaser;

14 (c) The amount of the consideration attributable to the
15 sale is fixed and determinable by the seller at the time of the
16 sale of the item to the purchaser; and

17 (d) One of the following criteria is met:

18 (i) The purchaser presents a coupon, certificate, or
19 other documentation to the seller to claim a price reduction
20 or discount when the coupon, certificate, or documentation is
21 authorized, distributed, or granted by a third party with the
22 understanding that the third party will reimburse any seller to
23 whom the coupon, certificate, or documentation is presented;

24 (ii) The purchaser identifies himself or herself to the
25 seller as a member of a group or organization entitled to a price
26 reduction or discount. A preferred customer card that is available
27 to any patron does not constitute membership in such a group; or

1 (iii) The price reduction or discount is identified as a
2 third-party price reduction or discount on the invoice received by
3 the purchaser or on a coupon, certificate, or other documentation
4 presented by the purchaser.

5 (3) Sales price does not include:

6 (a) Any discounts, including cash, terms, or coupons that
7 are not reimbursed by a third party that are allowed by a seller
8 and taken by a purchaser on a sale;

9 (b) Interest, financing, and carrying charges from credit
10 extended on the sale of personal property or services, if the
11 amount is separately stated on the invoice, bill of sale, or
12 similar document given to the purchaser;

13 (c) Any taxes legally imposed directly on the consumer
14 that are separately stated on the invoice, bill of sale, or similar
15 document given to the purchaser; and

16 (d) United States postage charges on direct mail that are
17 separately stated on the invoice, bill of sale, or similar document
18 given to the purchaser; and

19 ~~(d)~~ (e) Credit for any trade-in as follows:

20 (i) The value of property taken by a seller in trade as
21 all or a part of the consideration for a sale of property of any
22 kind or nature; or

23 (ii) The value of a motor vehicle or motorboat taken by
24 any person in trade as all or a part of the consideration for a
25 sale of another motor vehicle or motorboat.

26 Sec. 3. This act becomes operative on October 1, 2014.

27 Sec. 4. Original sections 77-2701.11 and 77-2701.35,

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- 1 Reissue Revised Statutes of Nebraska, are repealed.