

AMENDMENTS TO LB 890

Introduced by Revenue.

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

3 Section 1. Section 77-2701.35, Revised Statutes
4 Supplement, 2007, is amended to read:

5 77-2701.35 (1) Sales price applies to the measure subject
6 to sales tax and means the total amount of consideration, including
7 cash, credit, property, and services, for which personal property
8 or services are sold, leased, or rented, valued in money, whether
9 received in money or otherwise, without any deduction for the
10 following:

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

12 (b) The cost of materials used, the cost of labor or
13 service, interest, losses, all costs of transportation to the
14 seller, all taxes imposed on the seller, and any other expense of
15 the seller;

16 (c) Charges by the seller for any services necessary to
17 complete the sale;

18 (d) Delivery charges, except as provided in subdivision
19 (3)(e) of this section; and

20 (e) Installation charges.

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

23 (a) The seller actually receives consideration from a

1 party other than the purchaser and the consideration is directly
2 related to a price reduction or discount on the sale;

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

5 (c) The amount of the consideration attributable to the
6 sale is fixed and determinable by the seller at the time of the
7 sale of the item to the purchaser; and

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

9 (i) The purchaser presents a coupon, certificate, or
10 other documentation to the seller to claim a price reduction
11 or discount when the coupon, certificate, or documentation is
12 authorized, distributed, or granted by a third party with the
13 understanding that the third party will reimburse any seller to
14 whom the coupon, certificate, or documentation is presented;

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

19 (iii) The price reduction or discount is identified as a
20 third-party price reduction or discount on the invoice received by
21 the purchaser or on a coupon, certificate, or other documentation
22 presented by the purchaser.

23 (3) Sales price does not include:

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

27 (b) Interest, financing, and carrying charges from credit

1 extended on the sale of personal property or services, if the
2 amount is separately stated on the invoice, bill of sale, or
3 similar document given to the purchaser;

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

7 (d) Credit for any trade-in as follows:

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

11 (ii) The value of a motor vehicle or motorboat taken by
12 any person in trade as all or a part of the consideration for a
13 sale of another motor vehicle or motorboat; ~~and-~~

14 (e) Delivery charges for direct mail.

15 Sec. 2. This act becomes operative on October 1, 2008.

16 Sec. 3. Original section 77-2701.35, Revised Statutes
17 Supplement, 2007, is repealed.