

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

915X0078

HOUSE BILL NO. 1097

Introduced by: Representatives Haggar (Don), Brunner, Haugaard, Klumb, Stalzer, Stevens, Verchio, Wiik, Willadsen, and Wollmann and Senators Brown, Greenfield (Brock), Haverly, and Peters

1 FOR AN ACT ENTITLED, An Act to exempt certain taxes and fees from the gross receipts tax
2 on telecommunications services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-33A-3 be amended to read:

5 10-33A-3. The term, gross receipts, as used in this chapter, includes only revenue of a
6 telecommunications company from the sale at retail of intrastate and interstate
7 telecommunications services. Sale at retail does not include special access or toll-free incoming
8 calls or the sale of any telecommunications service by a telecommunications company to another
9 telecommunications company if the service is resold or becomes a component part of the sale
10 by the second telecommunications company. Sale at retail does not include any itemized charge
11 for any governmental imposed tax or fee or for the recovery of any such tax or fee otherwise
12 imposed on the telecommunications company. Any hospital, hotel, motel, or place that provides
13 temporary accommodations selling telecommunications services to its patients or guests is not
14 a telecommunications company for the purposes of this chapter.



1 Section 2. That § 10-33-2 be amended to read:

2 10-33-2. The term, gross receipts, as used in this chapter means all earnings of a telephone
3 company derived from the furnishing of such telephone and exchange service, rental and toll
4 service, ~~excluding.~~ The term does not include receipts for capital stock issued, state sales and
5 use taxes paid, federal excise taxes paid, any government imposed fee, uncollected bills, tolls
6 not retained by a company, and directory advertising receipts not retained by a company.