

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 32

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO SALES TAXES; AMENDING SECTION 63-3606, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING THE APPLICABILITY OF THE SALES AND USE TAX TO A
3 NEW MANUFACTURED HOME AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING
4 SECTION 63-3609, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE APPLI-
5 CABILITY OF SALES AND USE TAX TO CERTAIN PERSONAL PROPERTY AND TO MAKE A
6 TECHNICAL CORRECTION.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 63-3606, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 63-3606. NEW MANUFACTURED HOME. (1) The term "new manufactured home"
12 means a manufactured home, as defined in section 39-4105, Idaho Code, which
13 that is sold for the first time at retail. The sale of a new manufactured home
14 by a licensed manufacturer to a licensed retailer who provides a valid resale
15 certificate is exempt from sales and use tax under this chapter. The term
16 "new manufactured home" includes all components incorporated in such manu-
17 factured home at the time of manufacture and remaining unchanged at the time
18 of the original retail sale thereof.

19 (2) Furniture, fixtures, furnishings, appliances and attachments not
20 incorporated as component parts of the manufactured home at the time of man-
21 ufacture shall be subject to the sales and use tax separately and distinctly
22 from the sales price of a new manufactured home. Refrigerators, ranges,
23 draperies, and wood burning stoves placed in the manufactured home by the
24 manufacturer shall be deemed to be components incorporated into such manu-
25 factured home. at the time of its first retail sale. Items incorporated into
26 the new manufactured home as component parts by the manufacturer are taxed at
27 the same rate as the new manufactured home.

28 SECTION 2. That Section 63-3609, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 63-3609. RETAIL SALE -- SALE AT RETAIL. The terms "retail sale" or
31 "sale at retail" means a sale for any purpose other than resale in the regular
32 course of business or lease or rental of property in the regular course of
33 business where such rental or lease is taxable under section 63-3612(h),
34 Idaho Code.

35 (a) All persons engaged in constructing, altering, repairing or im-
36 proving real estate, are consumers of the material used by them; all sales to
37 or use by such persons of tangible personal property are taxable whether or
38 not such persons intend resale of the improved property.

1 (b) For the purpose of this chapter, the sale or purchase of personal
2 property incidental to the sale of real property or used mobile or manufac-
3 tured homes is deemed a sale of real property.