

HOUSE BILL NO. HB0176

Digital streaming tax.

Sponsored by: Representative(s) Henderson, Harshman,
Sweeney and Yin

A BILL

for

1 AN ACT relating to sales and use tax; amending provisions
2 governing the imposition of sales and use tax on specified
3 digital products; specifying distribution of the sales and
4 use tax on specified digital products as specified; and
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 21-15-111(a)(i), 39-15-103(a)(i)(P),
10 39-15-111(b)(intro) and by creating a new subsection (r),
11 39-16-103(a)(i) and 39-16-111(b)(intro) and by creating a
12 new subsection (p) are amended to read:

13

14 **21-15-111. Definitions.**

15

1 (a) As used in this act, unless the context requires
2 otherwise:

3
4 (i) "Capital construction account" or "school
5 capital construction account" means the account into which
6 revenues are deposited pursuant to W.S. 9-4-601(a)(vii),
7 (b)(i) and (iv), into which the proceeds from any revenue
8 bonds are credited under W.S. 21-15-108, and into which any
9 other funds are appropriated or otherwise credited to the
10 account for purposes of this act. All funds within the
11 account shall be invested by the state treasurer and all
12 investment earnings from the account shall be credited to
13 the account. Funds within the account shall be expended
14 only for purposes of and in the manner prescribed by this
15 act;

16

17 **39-15-103. Imposition.**

18

19 (a) Taxable event. The following shall apply:

20

21 (i) Except as provided by W.S. 39-15-105, there
22 is levied an excise tax upon:

23

1 (P) Except as otherwise provided in this
2 subparagraph, the sales price of every retail sale of
3 specified digital products within the state, ~~A sale of~~
4 including the sales price for access to specified digital
5 products ~~is only subject to the tax under this section if~~
6 through a streaming or subscription service that does not
7 provide the purchaser ~~has~~ with permanent use of the
8 specified digital product. A vendor who purchases
9 specified digital products for further commercial
10 broadcast, rebroadcast, transmission, retransmission,
11 licensing, relicensing, distribution, redistribution or
12 exhibition in whole or in part to another person shall be
13 considered a wholesaler and not subject to the tax imposed
14 by this article. Those services provided by a trade
15 association as part of a member benefit are not subject to
16 the tax imposed by this subparagraph.

17

18 **39-15-111. Distribution.**

19

20 (b) Revenues earned under W.S. 39-15-104 during each
21 fiscal year shall be recognized as revenue during that
22 fiscal year for accounting purposes. Except as otherwise
23 provided in ~~subsection~~ subsections (p) and (r) of this

1 section, for all revenue collected by the department under
2 W.S. 39-15-104 the department shall:

3

4 (r) The sales tax applied to the sales price paid for
5 access to specified digital products through a streaming or
6 subscription service that does not provide the purchaser
7 with permanent use of the specified digital product
8 pursuant to W.S. 39-15-103(a)(i)(P) shall be credited as
9 follows:

10

11 (i) One-third (1/3) to the common school account
12 in the permanent land fund;

13

14 (ii) One-third (1/3) to the school foundation
15 program account;

16

17 (iii) One-third (1/3) to the school capital
18 construction account.

19

20 **39-16-103. Imposition.**

21

22 (a) Taxable event. The following shall apply:

23

1 (i) Persons making first use of taxable services
2 or storing, using or consuming tangible personal property
3 or specified digital products, except as otherwise provided
4 in this paragraph, are liable for the tax imposed by this
5 article. ~~Specified digital products are only subject to the~~
6 ~~tax imposed by this article if the purchaser has permanent~~
7 ~~use of the specified digital product.~~ A vendor who
8 purchases specified digital products for further commercial
9 broadcast, rebroadcast, transmission, retransmission,
10 licensing, relicensing, distribution, redistribution or
11 exhibition in whole or in part to another person shall be
12 considered a wholesaler and not subject to the tax imposed
13 by this article. Those services provided by a trade
14 association as part of a member benefit are not subject to
15 the tax imposed by this subparagraph. The liability is not
16 extinguished until the tax has been paid to the state but a
17 receipt given to the person by a registered vendor in
18 accordance with paragraph (c)(i) of this section is
19 sufficient to relieve the purchaser from further liability;

20

21 **39-16-111. Distribution.**

22

1 (b) Revenues earned under this article during each
2 fiscal year shall be recognized as revenue during that
3 fiscal year for accounting purposes. Except as otherwise
4 provided in subsection (p) of this section, revenue
5 collected by the department from the taxes imposed by this
6 article shall be transferred to the state treasurer who
7 shall, as specified by the department:

8
9 (p) The use tax applied to the use of specified
10 digital products through a streaming or subscription
11 service that does not provide the user with permanent use
12 of the specified digital product pursuant to W.S.
13 39-16-103(a)(i) shall be credited as follows:

14
15 (i) One-third (1/3) to the common school account
16 in the permanent land fund;

17
18 (ii) One-third (1/3) to the school foundation
19 program account;

20
21 (iii) One-third (1/3) to the school capital
22 construction account.

23

1 **Section 2.** This act is effective July 1, 2021.

2

3

(END)