

S-4/28/95 Do Pass  
S-4/28/95 (396)

APR 17 1995

HOUSE FILE 566

BY COMMITTEE ON WAYS AND MEANS

WAYS & MEANS CALENDAR

(SUCCESSOR TO HF 408)

(COMPANION TO ~~SSB~~ SF 295)

Passed House, Date April 24, 1995 <sup>(P. 1814)</sup> Passed Senate, Date 4/28/95 <sup>(P. 1509)</sup>  
Vote: Ayes 98 Nays 0 Vote: Ayes 50 Nays 0  
Approved May 24, 1995

A BILL FOR

1 An Act relating to the taxation of sales of residential service  
2 contracts under the state sales, services, and use taxes.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 566

1 Section 1. Section 422.43, subsection 6, Code 1995, is  
2 amended to read as follows:

3 6. There is imposed a tax of five percent upon the gross  
4 receipts from the sales of optional service or warranty  
5 contracts, except residential service contracts regulated  
6 under chapter 523C, which provide for the furnishing of labor  
7 and materials and require the furnishing of any taxable  
8 service enumerated under this section. The gross receipts are  
9 subject to tax even if some of the services furnished are not  
10 enumerated under this section. For the purpose of this  
11 division, the sale of an optional service or warranty  
12 contract, other than a residential service contract regulated  
13 under chapter 523C, is a sale of tangible personal property.  
14 Additional sales, services, or use taxes shall not be levied  
15 on services, parts, or labor provided under optional service  
16 or warranty contracts which are subject to tax under this  
17 section.

18 Sec. 2. Section 423.1, subsection 10, Code 1995, is  
19 amended to read as follows:

20 10. "Tangible personal property" means tangible goods,  
21 wares, merchandise, optional service or warranty contracts,  
22 except residential service contracts regulated under chapter  
23 523C, vulcanizing, recapping, or retreading services,  
24 engraving, photography, retouching, printing, or binding  
25 services, and gas, electricity, and water when furnished or  
26 delivered to consumers or users within this state.

27 EXPLANATION

28 The bill provides that the sales and use taxes on optional  
29 service or warranty contracts do not include a tax on  
30 residential service contracts which are regulated by the  
31 commissioner of insurance.

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HOUSE FILE 566

AN ACT

RELATING TO THE TAXATION OF SALES OF RESIDENTIAL SERVICE CONTRACTS UNDER THE STATE SALES, SERVICES, AND USE TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 422.43, subsection 6, Code 1995, is amended to read as follows:

6. There is imposed a tax of five percent upon the gross receipts from the sales of optional service or warranty contracts, except residential service contracts regulated under chapter 523C, which provide for the furnishing of labor and materials and require the furnishing of any taxable service enumerated under this section. The gross receipts are subject to tax even if some of the services furnished are not enumerated under this section. For the purpose of this division, the sale of an optional service or warranty contract, other than a residential service contract regulated under chapter 523C, is a sale of tangible personal property. Additional sales, services, or use taxes shall not be levied on services, parts, or labor provided under optional service or warranty contracts which are subject to tax under this section.

Sec. 2. Section 423.1, subsection 10, Code 1995, is amended to read as follows:

10. "Tangible personal property" means tangible goods, wares, merchandise, optional service or warranty contracts, except residential service contracts regulated under chapter 523C, vulcanizing, recapping, or retreading services, engraving, photography, retouching, printing, or binding

services, and gas, electricity, and water when furnished or delivered to consumers or users within this state.

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RON J. CORBETT  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 566, Seventy-sixth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved May 24, 1995

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TERRY E. BRANSTAD  
Governor