

# State of South Dakota

## EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

933T0596

### HOUSE BILL NO. 1159

Introduced by: Representative Tornow

1 FOR AN ACT ENTITLED, An Act to exempt certain postage and markup for handling from  
2 sales and use taxes.

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

4 Section 1. That § 10-45-94 be amended to read as follows:

5 10-45-94. There are hereby exempted from the provisions of this chapter and the  
6 computation of the tax imposed by it, the gross receipts received by a ~~direct~~ mail service for the  
7 cost of United States postage paid by the ~~direct~~ mail service if the cost of postage, including any  
8 markup that is reasonable and customary in the seller's industry, ~~is listed by the direct mail~~  
9 ~~service as a separate line item on the customer's bill.~~

10 For the purposes of this section, a ~~direct~~ mail service is any business that prepares ~~direct~~  
11 mail.

12 Section 2. That subdivision (4) of § 10-45-1 be amended to read as follows:

13 (4) "Delivery charges," charges by the retailer for preparation and delivery to a location  
14 designated by the purchaser of tangible personal property, any product transferred  
15 electronically, or services including transportation, shipping, ~~postage~~, handling,



1           crating, and packing. The term does not include postage ~~for direct mail~~;

2       Section 3. That subdivision (3) of § 10-46-1 be amended to read as follows:

3       (3)   "Delivery charges," charges by the retailer for preparation and delivery to a location  
4           designated by the purchaser of tangible personal property, any product transferred  
5           electronically, or services including transportation, shipping, ~~postage~~, handling,  
6           crating, and packing. The term does not include postage ~~for direct mail~~;

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