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**HOUSE BILL NO. 1354**

Offered January 9, 2013

Prefiled November 29, 2012

A *BILL to amend and reenact § 58.1-609.5 of the Code of Virginia, relating to sales and use tax exemption; service charges of photographers and videographers.*

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Patrons—Pogge

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Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-609.5 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-609.5. Service exemptions.**

The tax imposed by this chapter or pursuant to the authority granted in § 58.1-605 or § 58.1-606 shall not apply to the following:

1. Professional, insurance, or personal service transactions which involve sales as inconsequential elements for which no separate charges are made; services rendered by repairmen for which a separate charge is made; and services not involving an exchange of tangible personal property which provide access to or use of the Internet and any other related electronic communication service, including software, data, content and other information services delivered electronically via the Internet.

2. An amount separately charged for labor or services rendered in installing, applying, remodeling, or repairing property sold.

3. Transportation charges separately stated.

4. Separately stated charges for alterations to apparel, clothing, and garments.

5. Charges for gift wrapping services performed by a nonprofit organization.

6. An amount separately charged for labor or services rendered in connection with the modification of prewritten programs as defined in § 58.1-602.

7. Custom programs as defined in § 58.1-602.

8. The sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for more than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration.

9. Beginning January 1, 1996, maintenance contracts, the terms of which provide for both repair or replacement parts and repair labor, shall be subject to tax upon one-half of the total charge for such contracts only. Persons providing maintenance pursuant to such a contract may purchase repair or replacement parts under a resale certificate of exemption. Warranty plans issued by an insurance company, which constitute insurance transactions, are subject to the provisions of subdivision 1 above.

10. *Separately stated service charges rendered by a photographer or videographer in taking and producing photographs or videos.*

INTRODUCED

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