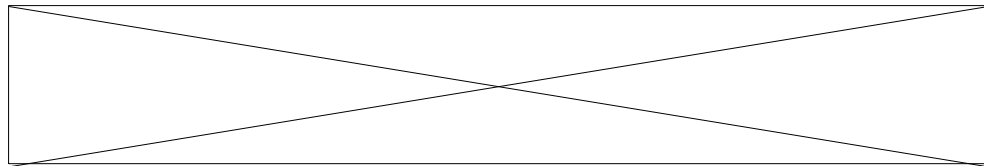


DEPARTMENT OF REVENUE



Tax 11.46 Summer camps. (1) DEFINITIONS. In this section:

(a) "Agency camps" means camps operated by corporations or associations organized and operated exclusively for religious, charitable, or educational purposes when no part of the net earnings inure to the benefit of any private shareholder or individual.

Example: The YMCA and Boy Scouts of America are agency camps.

(b) "Private camps" means all other camps including those camps organized and operated with the expectation of profit, whether or not profit is actually realized.

(2) TAXABLE RECEIPTS. Receipts from the following are taxable ~~unless sub. (4) applies~~ except as provided in sub. (4) applies (5):

(a) Prepared foods, as defined in s. 77.51 (10m), Stats., soft drinks, as defined in s. 77.51 (17w), Stats., candy, as defined in s. 77.51 (1fm), Stats., dietary supplements, as defined in s. 77.51 (3n), Stats., and other tangible personal property and items, property, and goods under s. 77.52 (1) (b), (c), and (d), Stats., sold by agency camps or private camps.

(b) Lodging provided by private camps for a continuous period of less than one month.

(c) Taxable services under s. 77.52 (2), Stats.

(3) EXEMPT RECEIPTS. Receipts from the following are exempt except as provided in sub. (5):

(a) All lodging provided by agency camps.

(b) Lodging provided by private camps for a continuous period of one month or more.

(c) Food and food ingredients, as defined in s. 77.51 (3t), Stats., excluding candy, soft drinks, dietary supplements, and prepared foods.

(4) OCCASIONAL SALES. (a) The sales price from the sale of tangible personal property, items, property, and goods under s. 77.52 (1) (b), (c) and (d), Stats., or taxable services by agency camps not engaged in a trade or business and not otherwise required to hold a seller's permit are exempt from Wisconsin sales tax if entertainment, as defined in s. 77.54 (7m), Stats., is not provided.

(b) An agency camp is not engaged in a trade or business if its sales of otherwise taxable tangible personal property, items, property, and goods under s. 77.52 (1) (b), (c), and (d), Stats., or services or its events occur on 20 days or less during the calendar year or if its taxable receipts for the calendar year are \$25,000 or less.

Note: See Wisconsin publication 206, sales tax exemption for nonprofit organizations, for more detailed information about when one is engaged in a trade or business or required to hold a seller's permit.

(5) COMBINED CHARGE. (a) Except as provided in par. (b), if a single, combined charge a summer camp's charge is made

for ~~all the privileges extended by a camp meals, lodging, and both taxable and nontaxable property, items, goods, and services are provided, and the transaction meets the definition of a "bundled transaction" as defined in s. 77.51 (1f), Stats., the entire charge is subject to tax.~~

(b) At the retailer's option, if the retailer can identify by reasonable and verifiable standards from the retailer's books and records that are kept in the ordinary course of its business program access for other purposes, including purposes unrelated to taxes, the portion of the one nonitemized price that is attributable to products that are not subject to the tax imposed under this subchapter, that portion of the sales price is not taxable. However, this option does not apply to a . . . The exemption in s. 77.54 (51), Stats., applies.

(b) It is presumed that the price for the lodging, meals, and other taxable products provided by the summer camp is 10 percent or less of the total price of all the products in the transaction. It is also presumed that true object of the transaction is not just one of the items provided. Therefore, the transaction that otherwise meets the definition of is not a bundled transaction if that transaction contains food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, prosthetic devices, or medical supplies as defined in s. 77.51 (1f), Stats.

Note: See s. Tax 11.985 for more information on bundled transactions.

(c) Summer camps are the consumers of tangible personal property, items, property, and goods under s. 77.52 (1) (b), (c), and (d), Stats., and taxable services provided as part of the combined charge. As consumers, summer camps are subject to Wisconsin sales or use tax on their purchases of tangible personal property, items, property, and goods under s. 77.52 (1) (b), (c), and (d), Stats., or taxable services.

Example: Summer Camp A provides a 4-week long summer program. The camp costs each participant \$4,000. The \$4,000 charge is one nonitemized price that includes all camp activities, lessons, meals, lodging, and a tee shirt. The taxable products included in the transaction are the lodging services, the meals and the tee shirt. Summer Camp A may presume that the taxable products included in the transaction are less than 10 percent of the total sales price or purchase price of all the products included in the transaction and therefore the transaction is not a bundled transaction. Summer Camp A's \$4,000 charge is not subject to Wisconsin sales or use tax, but Summer Camp A is the consumer of the items it purchases and uses or provides to each person attending the camp and is required to pay Wisconsin sales or use tax on its purchases of these items.

Note: Section Tax 11.46 interprets ss. 77.51 (1f), (1fm), (3n), (3t), (10m), and (17w), 77.52 (1), (2) (a) 1., and (20), and 77.54 (7m) and (51), Stats.

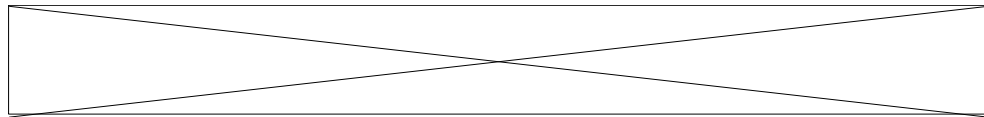
Note: The interpretations in s. Tax 11.46 are effective under the general sales and use tax law on and after September 1, 1969, except: (a) The provisions of sub. (4) became effective January 1, 1989, pursuant to 1987 Wis. Act 399; (b) The amount shown in sub. (5) (b) became effective January 1, 1991. From September 15, 1970 to December 31, 1990, the rate was \$3 per person per night and prior to September 15, 1970, the rate was \$2 per person per night; (c) The \$25,000 receipts standard became effective January 1, 2006, pursuant to 2005 Act 25; and (d) The definitions of "bundled transactions," "candy," "dietary supplements," "prepared food," and "soft drinks" and the change of the term "gross receipts" to "sales

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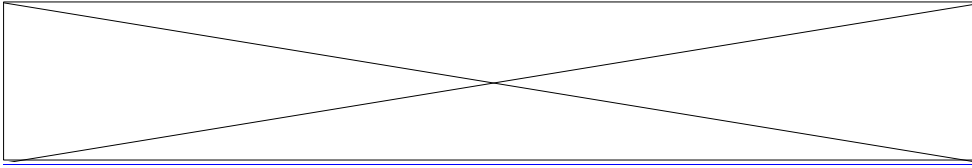
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price” and the separate impositions of tax on coins and stamps sold above face value under s. 77.52 (1) (b), Stats., certain leased property affixed to real property under s. 77.52 (1) (c), Stats., and digital goods under s. 77.52 (1) (d), Stats., became effective October 1, 2009, pursuant to 2009 Wis. Act 2.

History: Cr. Register, September, 1977, No. 261, eff. 10-1-77; am. (1) (intro.) and (a) and (2) (intro), cr. (4), renum. (4) to be (5) and am., Register, June, 1991, No. 426, eff. 7-1-91; r. and recr. (3) (c) and am. (5) (intro.), Register, December, 1996, No. 492, eff. 1-1-97; EmR0924: emerg. am. (2) (a), (3) (c) and (4), r. and recr. (5, eff. 10-1-09; CR 09-090: am. (2) (a), (3) (e) and (4), r. and recr. (5) Register May 2010 No. 653, eff. 6-1-10.

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