**A** **BILL**

TO AMEND SECTION 12‑36‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TANGIBLE PERSONAL PROPERTY, SO AS TO EXCLUDE FROM THE DEFINITION THE RENTAL OR LEASE OF PROPERTY IF THE PROPERTY MUST BE SERVICED TO REMAIN SANITARY FOR THE INTENDED USE OF THE PROPERTY, AND THE LESSOR WOULD NOT RENT OR LEASE THE PROPERTY UNLESS THE LESSEE AGREES TO THE LESSOR SERVICING THE PROPERTY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 12‑36‑60 of the 1976 Code is amended to read:

“Section 12‑36‑60. ‘Tangible personal property’ means personal property which may be seen, weighed, measured, felt, touched, or which is in any other manner perceptible to the senses. It also includes services and intangibles, including communications, laundry and related services, furnishing of accommodations and sales of electricity, the sale or use of which is subject to tax under this chapter and does not include stocks, notes, bonds, mortgages, or other evidences of debt. Tangible personal property does not include the transmission of computer database information by a cooperative service when the database information has been assembled by and for the exclusive use of the members of the cooperative service. Tangible personal property does not include the rental or lease of tangible personal property if the property must be serviced to remain sanitary for the intended use of the property, and the lessor would not rent or lease the property unless the lessee agrees to the lessor servicing the property.”

SECTION 2. This act takes effect upon approval by the Governor and applies for all such rentals or leases executed on or after this date, and it applies retroactively to all such rentals or leases in any period remaining open by law or agreement for assessment of taxes as of the date the Governor approves this act.

‑‑‑‑XX‑‑‑‑