



## MULTISTATE TAX COMMISSION

**Multistate Tax Commission  
Uniformity Committee  
Sec. 17 Regulation Project**

**AMENDED SECTIONS OF ARTICLE IV PERTAINING TO SEC. 17 REGULATIONS –  
(Including conforming changes, replacing “sale(s)” with “receipt(s)” where  
applicable, sent to Bylaw 7 Survey on September 9, 2014.)**

**Prepared by MTC Staff – September 22, 2014**

**Art. IV. Sec. 1**

(g) “Receipts” means all gross receipts of the taxpayer that are not allocated under paragraphs of this article, and that are received from transactions and activity in the regular course of the taxpayer’s trade or business; except that receipts of a taxpayer from hedging transactions and from the maturity, redemption, sale, exchange, loan or other disposition of cash or securities, shall be excluded.

**Art. VI Sec. 17**

(a) Receipts, other than receipts described in Section 16, are in this State if the taxpayer’s market for the sales is in this state. The taxpayer’s market for sales is in this state:

- (1) in the case of sale, rental, lease or license of real property, if and to the extent the property is located in this state;
- (2) in the case of rental, lease or license of tangible personal property, if and to the extent the property is located in this state;
- (3) in the case of sale of a service, if and to the extent the service is delivered to a location in this state; and
- (4) in the case of intangible property,

(i) that is rented, leased, or licensed, if and to the extent the property is used in this state, provided that intangible property utilized in marketing a good or service to a consumer is “used in this state” if that good or service is purchased by a consumer who is in this state; and

(ii) that is sold, if and to the extent the property is used in this state, provided that:

(A) a contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is “used in this state” if the geographic area includes all or part of this state;

(B) receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease or licensing of such intangible property under subsection (a)(4)(i); and

(C) all other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the receipts factor.

(b) If the state or states of assignment under subsection (a) cannot be determined, the state or states of assignment shall be reasonably approximated.

(c) If the taxpayer is not taxable in a state to which a receipt is assigned under subsection (a) or (b), or if the state of assignment cannot be determined under subsection (a) or reasonably approximated under subsection (b), such receipt shall be excluded from the denominator of the receipts factor.

(d) [The tax administrator may prescribe regulations as necessary or appropriate to carry out the purposes of this section.]