

## **117-320 Use Tax**

### **117-320.1. Property Purchased and Used Without the State . Later Used in South Carolina**

### **117-320.2. Vehicles Replaced under Insurance Contracts**

#### **117-320 Use Tax.**

The use tax is imposed on the storage, use, or other consumption in this State of tangible personal property purchased at retail for storage, use, or other consumption in South Carolina.

#### **117-320.1. Property Purchased and Used Without the State. Later Used in South Carolina.**

Where property purchased in another state and used outside the state of South Carolina, is later brought into the state for use, storage or consumption in South Carolina, the use tax will apply unless the following conditions are conclusively established: (1) That the property when purchased was intended for a bona fide use outside the state of South Carolina; (2) That the first actual use of the property was outside the state of South Carolina; and (3) That the first actual use of the property was substantial and constituted the primary use for which the property was purchased.

The responsibility for proof rests upon the purchaser and until the above facts are established to the satisfaction of the department, it will be presumed that the use of such property in South Carolina is subject to a use tax.

(See, however, Section 12-36-1320 for a special imposition of the tax on transient construction equipment.)

#### **117-320.2. Vehicles Replaced under Insurance Contracts.**

The use tax is due by the insured, measured by the purchase price of vehicles acquired out-of-state, whether acquired by the insured or the insurer under the terms of an insurance policy to replace destroyed or stolen vehicles.

**HISTORY: Added by State Register Volume 26, Issue No. 6, Part 2, eff June 28, 2002.**