

City and County of Denver, Colorado

TAX GUIDE

Topic No. 92

TRANSCRIPTS AND DEPOSITIONS

During a hearing, trial, or deposition, a court reporter is typically present to “make the record” of the event. In the course of this process, copies of records, copies of transcripts, copies of exhibits, and audio/video tapes are often made for various parties. Depending on the transaction, Denver tax may be due.

When a court reporter transcribes an event, and translates this transcription into a readable form, this transaction is a non-taxable service. The end-user (purchaser) of the readable form is primarily purchasing the court reporter’s service to accurately transcribe the event. As a result, the resulting paper report, ASCII file, or electronic transmission of the readable transcript would not be subject to Denver tax, if sold to one of the original parties of the event being transcribed.

If the resulting paper report, UTF-8, ASCII file, or electronic transmission of the readable transcript is sold to someone other than one of the original parties of the event being transcribed, Denver tax would be due on that transaction. This type of transaction would be taxable similar to any other reproduction of tangible personal property.

When a transcription is made of an event via a videotape, audiotape, or other electronic or media recording, this transaction is similar to a paper transcription. If sold to one of the original parties to the event being transcribed, the sale would be a non-taxable service. If sold to someone other than one of the original parties of the event being transcribed, the sale would be a taxable sale of tangible personal property.

Subsequent copies of transcripts (in whatever form) and recordings would be taxable in Denver similar to any other reproduction of tangible personal property. Copies of exhibits, records, or other documents would also be taxable in Denver.

EXAMPLES

1. Charlie’s Accurate Transcription Services (CATS) is hired to attend a deposition in Denver. The court reporter transcribes the deposition and takes control of the exhibits introduced. At the end of the deposition, one of the parties’ requests three copies of the deposition and exhibits – one for the attorney, and one for each witness. The original deposition would not be taxable, but the two deposition copies and the three copies of the exhibits would be taxable in Denver.

Later, another attorney contacts CATS for a copy of the deposition transcript and exhibits. The attorney was not part of the original event, but has obtained permission to obtain the copy in regard to a separate case. The full charge to this attorney for the copies of the transcripts and exhibits would be subject to Denver sales tax.

2. In another deposition, CATS was hired to make a video deposition of an event. The court reporter videotapes the deposition and takes control of the exhibits introduced. The charge to the client includes an hourly charge to videotape the deposition, and a charge for each tape copy requested. The charge for the original videotaped copy of the deposition would not be taxable. However, the additional copies of the videotape and any exhibit copies would be taxable in Denver.

- * DRMC Section 53-53(a)(20). Definitions – Price or purchase price.
- * DRMC Section 53-53(a)(22). Definitions – Purchase or sale.
- * DRMC Section 53-54(a)(1). Imposition of tax.
- * DRMC Section 53-103(a)(23). Definitions – Price or purchase price.
- * DRMC Section 53-103(a)(25). Definitions – Purchase or sale.
- * DRMC Section 53-104(a)(1). Imposition of tax.

The complete Denver Tax Guide, the Denver Revised Municipal Code (DRMC), tax forms, and other related information and forms are available on-line at www.denvergov.org/treasury.

THE ABOVE INFORMATION IS A SUMMARY IN LAYMAN'S TERMS OF THE RELEVANT DENVER TAX LAW FOR THIS INDUSTRY OR BUSINESS SEGMENT. IT IS NOT INTENDED FOR LEGAL PURPOSES TO BE SUBSTITUTED FOR THE FULL TEXT OF THE DRMC AND APPLICABLE RULES AND REGULATIONS.

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