

HOUSE BILLS **2**

HB 300 RETENTION OF SALES AND USE TAX COLLECTIONS BY CERTAIN REMOTE SELLERS **2****HJR 4 JOINT RESOLUTION ON REMOTE SALES** **2****SENATE BILLS** **3**

SB 33 SALES AND USE TAX REVISIONS **3****SB 58 AMENDMENTS TO SALES AND USE TAX** **3****SB 84 SALES AND USE TAX EXEMPTION FOR SHORT-TERM LODGING CONSUMABLES** **4****SB 124 SALES AND USE TAX EXEMPTIONS FOR DATABASE ACCESS** **4****SB 171 SALES AND USE TAX EXEMPTIONS FOR ELECTRONIC FINANCIAL PAYMENT SERVICES** **4****SB 250 SALES AND USE TAX EXEMPTION FOR SALES OF A FUEL CELL** **4**

House Bills

HB 300 Retention of Sales and Use Tax Collections by Certain Remote Sellers

Amends: 59-12-108

Effective: 1/1/2014

- Authorizes remote sellers who voluntarily collect a sales and use tax to retain 18% of the sales and use taxes the remote sellers would otherwise remit to the Tax Commission.
- Provides that a seller that takes the 18% seller discount may not take the 1.31% seller discount.
- Allows the commission to require a seller that takes this discount to file electronically.
- Prohibits a seller from taking the 18% seller discount if Congress or the U.S. Supreme Court requires the seller to collect and remit sales taxes.

HJR 4 Joint Resolution on Remote Sales

Effective: 5/14/2013

Urges the U.S. Congress to pass S. 336 and H.R. 684, known as the Marketplace Fairness Act, which would permit states that enact certain tax simplification and uniformity standards to require retailers whose sales to consumers in the state exceed a minimum threshold to collect applicable sales taxes on sales in the state.

Senate Bills

SB 33 **Sales and Use Tax Revisions**

Amends: **59-12-104**

Effective: **7/1/2013**

- Enacts a sales and use tax exemption for sales of tangible personal property used in the preparation of prepared food if the ownership of the seller and the ownership of the purchaser are identical, and the seller or purchaser paid a sales tax on that tangible personal property prior to making the sale.
- Enacts a sales and use tax exemption for purchases of machinery and equipment if:
 1. The purchaser is an establishment described in NAICS Subsector 713;
 2. The machinery or equipment has an economic life of 3 or more years and is used by a person who pays admission or user fees to the purchaser of the machinery or equipment; and
 3. 51% or more of the purchaser's sales revenue for the previous calendar quarter is admission or user fees subject to sales tax.

SB 58 **Amendments to Sales and Use Tax**

Amends: **59-12-103 (Superseded 7/1/2014), 59-12-103 (Effective 7/1/2014), 59-12-103.1, 59-12-103.2 (Effective 7/1/2013)**

Effective: **7/1/2013**

- Addresses the disposition of state and local sales tax revenue collected as a result of Congressional or U.S. Supreme Court action requiring current non-nexus sellers to collect sales tax;
- Provides that if one of the above-described actions occurs, the report the commission is required to make to the Revenue and Taxation Interim Committee shall state the amount of revenue collected at the time of the report, and estimate the state and local sales tax rate reduction that would offset the revenue estimated to be collected for the current and next fiscal year;
- Requires the Division of Finance to separately account for the state and local sales tax revenue collected as a result of the Congressional or U.S. Supreme Court action.

SB 84 Sales and Use Tax Exemption for Short-Term Lodging Consumables

Amends: 59-12-102 (Superseded 7/1/2014), 59-12-102 (Effective 7/1/2014), 59-12-104

Effective: 7/1/2013

Defines short-term lodging consumables and provides a sales and use tax exemption for the purchase of short-term lodging consumables by a business that provides accommodations and services.

SB 124 Sales and Use Tax Exemptions for Database Access

Amends: 59-12-102 (Superseded 7/1/2014), 59-12-102 (Effective 7/1/2014), 59-12-104 (Effective 7/1/2013)

Effective: 7/1/2013

- Enacts a sales and use tax exemption for amounts paid or charged to access a database if the primary purpose for accessing the database is to view or retrieve data from a database;
- Defines digital audiowork, digital audio-visual work, and digital book, and clarifies that the sales tax exemption does not include amounts paid or charged for a digital audiowork, digital audio-visual work, or digital book.

SB 171 Sales and Use Tax Exemptions for Electronic Financial Payment Services

Amends: 59-12-102 (Superseded 7/1/2014), 59-12-102 (Effective 7/1/2014), 59-12-104

Effective: 7/1/2013

- Enacts a sales and use tax exemption for the purchase or lease of machinery and equipment, or normal operating repair or replacement parts, with a 3-year economic life that are used in the operation of an electronic financial payment service;
- Defines electronic financial service as an establishment within NAICS Code 522320.

SB 250 Sales and Use tax Exemption for Sales of a Fuel Cell

Amends: 59-12-104

Effective: 4/1/2013

Defines “Fuel Cell” and provides a sales and use tax exemption for sales of a fuel cell.