

59-13-321 Wholesaler option for rack distributions tax payments -- Notification -- Security.

- (1) As used in this section "wholesaler" means a person who receives a rack distribution of diesel fuel from a supplier for purposes of resale.
- (2)
 - (a) Upon agreement of wholesaler and supplier, the payment of the taxes to the supplier under this part may be made on or before one business day prior to the time that the supplier is required to remit those taxes to the commission.
 - (b) The wholesaler shall provide written notification to the supplier of the wholesaler's intent to exercise the payment option under Subsection (2)(a) at least 30 days prior to the payment.
 - (c) The wholesaler's payment of the taxes under Subsection (2)(a) shall be made by electronic funds transfer.
- (3) Upon the wholesaler's exercise of the payment option provided in Subsection (2), the supplier may require security for the payment of the taxes if no security exists between the wholesaler and the supplier.
- (4) At the option of the supplier, the wholesaler's exercise of the payment option provided under this section may be terminated if the wholesaler fails to:
 - (a) remit timely payment of the taxes as provided in Subsection (2); or
 - (b) provide security as provided in Subsection (3).

Enacted by Chapter 271, 1997 General Session