

February 13, 1998

Mr. Speaker:

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 360**, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, AND CONVENTION TAX, by Representative C. Fox-Finlinson, with the following amendments:

1. Page 1, Line 8: After "VEHICLES;" insert "REQUIRING CERTAIN TAXPAYERS TO PROVIDE TO THE COMMISSION A WRITTEN STATEMENT OF TAXABLE TRANSACTIONS UNDER THIS PART AND THE COUNTY IN WHICH EACH TRANSACTION OCCURRED; SUBJECTING CERTAIN TAXPAYERS SUBJECT TO THE TAX ON SHORT-TERM LEASES AND RENTALS OF MOTOR VEHICLES TO THE MONTHLY PAYMENT PROVISIONS;"
2. Page 1, Line 11: After line 11 insert:
"**59-12-108**, as last amended by Chapter 305, Laws of Utah 1997"
3. Page 1, Line 13: After line 13 insert:
"Section 1. Section **59-12-108** is amended to read:
59-12-108. Monthly payment -- Penalty.
(1) Any person whose tax liability under this part, Part 2, The Local Sales and Use Tax Act, Part 5, Public Transit Tax, Part 10, Highways Tax, [and] Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, or Subsection 59-12-603(1)(a) or (b) was \$50,000 or more for the previous year shall, on or before the last day of the month next succeeding each calendar month, file with the commission a return for the preceding monthly period. The vendor

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Action Class

Action Code

HB0360

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shall remit with the return the amount of the state and local tax required under this part, Part 2, The Local Sales and Use Tax Act, Part 5, Public Transit Tax, Part 10, Highways Tax, [and] Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, or Subsection 59-12-603(1)(a) or (b) to be collected or paid for the period covered by the return. The commission shall establish by rule the procedures and guidelines in determining the tax liability under this section.

(2) Any person whose tax liability under this part, Part 2, The Local Sales and Use Tax Act, Part 5, Public Transit Tax, Part 10, Highways Tax, [and] Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, or Subsection 59-12-603(1)(a) or (b) was \$96,000 or more for the previous year shall remit the monthly amount of state and local tax payment due under this section to the tax commission by electronic funds transfer.

(3) (a) Except as provided in Subsection (3)(b), a vendor who is required to remit taxes monthly under this section may retain an amount not to exceed 1.5% of the total monthly sales tax collected under Part 1 of this chapter, and 1% of the total monthly sales tax collected under Part 2, The Local Sales and Use Tax Act, Part 5, Public Transit Tax, Part 10, Highways Tax, [and] Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, or Subsection 59-12-603(1)(a) or (b) for the cost to it of collecting and remitting sales and use taxes to the commission on a monthly basis.

(b) A state government entity that is required to remit taxes monthly under this chapter may not retain any portion of the taxes it collects to cover the costs of collecting and remitting sales and use taxes to the commission.

(4) Penalties for late payment shall be as provided in Section 59-1-401."

4. Page 2, Line 28:

After Line 28 insert:

"(7) If a taxpayer subject to taxation under this part operates a business in more than one county, the taxpayer shall provide to the commission, on or before the last day of each calendar quarter, a written statement of:

(a) each taxable transaction under this part for the calendar quarter;

and

(b) the county in which each taxable transaction occurred."

Renumber remaining sections accordingly.

H.B. 360
Committee Report
February 13, 1998 - Page 3

Respectfully,

Raymond W. Short
Committee Chair

Voting: 9-5-1

3 HB0360.HC1 pmackay/BRH RLR/BRH 10:27 AM