

**CITY OR TOWN OPTION SALES AND USE TAX  
AMENDMENTS**

2012 GENERAL SESSION  
STATE OF UTAH

**Chief Sponsor: Brad L. Dee**

Senate Sponsor: Curtis S. Bramble

---

---

**LONG TITLE**

**General Description:**

This bill amends the City or Town Option Sales and Use Tax Act to ~~H~~→ address the imposition or ~~H~~ repeal ~~H~~→ [an expiration date for] of ~~H~~ the tax.

**Highlighted Provisions:**

This bill:

▶ amends the City or Town Option Sales and Use Tax Act to ~~H~~→ address the imposition or ~~H~~ repeal ~~H~~→ [the June 30, 2016, expiration date for] of ~~H~~ the tax ~~H~~→ beginning on July 1, 2016 ~~H~~ ; and

▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**59-12-2103**, as last amended by Laws of Utah 2011, Chapters 198 and 309

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **59-12-2103** is amended to read:

**59-12-2103. Imposition of tax -- Base -- Rate -- Expenditure of revenues collected**

H.B. 81



28 **from the tax -- Administration, collection, and enforcement of tax by commission --**  
 29 **Administrative charge -- Enactment or repeal of tax -- Annexation -- Notice.**

30 (1) (a) Subject to the other provisions of this section and except as provided in  
 31 Subsection (2) ~~Ĥ~~ **or (3) ~~Ĥ~~** , ~~Ĥ~~ **[f] beginning on January 1, 2009 and ending on June 30,**  
 31a **2016, [f] ~~Ĥ~~** if a city or town

32 receives a distribution for the 12 consecutive months of fiscal year 2005-06 because the city or  
 33 town would have received a tax revenue distribution of less than .75% of the taxable sales  
 34 within the boundaries of the city or town but for Subsection 59-12-205(4)(a), the city or town  
 35 legislative body may impose a sales and use tax of up to .20% on the transactions:

36 (i) described in Subsection 59-12-103(1); and

37 (ii) within the city or town.

38 (b) A city or town legislative body that imposes a tax under Subsection (1)(a) shall  
 39 expend the revenues collected from the tax for the same purposes for which the city or town  
 40 may expend the city's or town's general fund revenues.

41 (c) For purposes of this Subsection (1), the location of a transaction shall be  
 42 determined in accordance with Sections 59-12-211 through 59-12-215.

43 (2) (a) A city or town legislative body may not impose a tax under this section on:

44 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
 45 are exempt from taxation under Section 59-12-104; and

46 (ii) except as provided in Subsection (2)(b), amounts paid or charged for food and food  
 47 ingredients.

48 (b) A city or town legislative body imposing a tax under this section shall impose the  
 49 tax on amounts paid or charged for food and food ingredients if the food and food ingredients  
 50 are sold as part of a bundled transaction attributable to food and food ingredients and tangible  
 51 personal property other than food and food ingredients.

52 (3) ~~Ĥ~~ **(a) [Fø] Beginning on January 1, 2009 and ending on**  
 52a **June 30, 2016, to ~~Ĥ~~** impose a tax under this part, a city or town legislative body shall obtain  
 53 approval from a majority of the members of the city or town legislative body.

53a ~~Ĥ~~ **(b) If, on June 30, 2016, a city or town is not imposing a tax under this part, the city**  
 53b **or town legislative body may not impose a tax under this part beginning on or after July 1,**  
 53c **2016.**

53d **(c) If, on June 30, 2016, a city or town imposes a tax under this part, the city or town**  
 53e **shall repeal the tax on July 1, 2016, unless, on or after April 1, [2016] 2012 but on or before**  
 53f **June 30, 2016, the city or town legislative body obtains approval from a majority vote of**

53g **the members of the city or town legislative body to continue to impose the tax.** ←~~H~~

54 (4) The commission shall transmit revenues collected within a city or town from a tax  
55 under this part:

56 (a) to the city or town legislative body;

57 (b) monthly; and

58 (c) by electronic funds transfer.

59 (5) (a) Except as provided in Subsection (5)(b), the commission shall administer,  
60 collect, and enforce a tax under this part in accordance with:

61 (i) the same procedures used to administer, collect, and enforce the tax under:

62 (A) Part 1, Tax Collection; or

63 (B) Part 2, Local Sales and Use Tax Act; and

64 (ii) Chapter 1, General Taxation Policies.

65 (b) A tax under this part is not subject to Subsections 59-12-205(2) through (6).

66 (6) The commission shall retain and deposit an administrative charge in accordance  
67 with Section 59-1-306 from the revenues the commission collects from a tax under this part.

68 (7) (a) (i) Except as provided in Subsection (7)(b) or (c), if, on or after January 1, 2009,  
69 a city or town enacts or repeals a tax or changes the rate of a tax under this part, the enactment,  
70 repeal, or change shall take effect:

71 (A) on the first day of a calendar quarter; and

72 (B) after a 90-day period beginning on the date the commission receives notice meeting  
73 the requirements of Subsection (7)(a)(i) from the city or town.

74 (ii) The notice described in Subsection (7)(a)(i)(B) shall state:

75 (A) that the city or town will enact or repeal a tax or change the rate of the tax under  
76 this part;

77 (B) the statutory authority for the tax described in Subsection (7)(a)(ii)(A);

78 (C) the effective date of the tax described in Subsection (7)(a)(ii)(A); and

79 (D) if the city or town enacts the tax or changes the rate of the tax described in  
80 Subsection (7)(a)(ii)(A), the rate of the tax.

81 (b) (i) If the billing period for a transaction begins before the enactment of the tax or  
82 the tax rate increase under Subsection (1), the enactment of a tax or a tax rate increase shall  
83 take effect on the first day of the first billing period that begins after the effective date of the  
84 enactment of the tax or the tax rate increase.

85 (ii) If the billing period for a transaction begins before the effective date of the repeal  
86 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of a tax or a tax rate  
87 decrease shall take effect on the first day of the last billing period that began before the  
88 effective date of the repeal of the tax or the tax rate decrease.

89 (c) (i) If a tax due under this part on a catalogue sale is computed on the basis of sales

90 and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax  
91 described in Subsection (7)(a)(i) takes effect:

92 (A) on the first day of a calendar quarter; and

93 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
94 rate of the tax under Subsection (7)(a)(i).

95 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
96 commission may by rule define the term "catalogue sale."

97 (d) (i) Except as provided in Subsection (7)(e) or (f), if, for an annexation that occurs  
98 on or after January 1, 2009, the annexation will result in the enactment, repeal, or change in the  
99 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take  
100 effect:

101 (A) on the first day of a calendar quarter; and

102 (B) after a 90-day period beginning on the date the commission receives notice meeting  
103 the requirements of Subsection (7)(d)(ii) from the city or town that annexes the annexing area.

104 (ii) The notice described in Subsection (7)(d)(i)(B) shall state:

105 (A) that the annexation described in Subsection (7)(d)(i)(B) will result in the  
106 enactment, repeal, or change in the rate of a tax under this part for the annexing area;

107 (B) the statutory authority for the tax described in Subsection (7)(d)(ii)(A);

108 (C) the effective date of the tax described in Subsection (7)(d)(ii)(A); and

109 (D) if the city or town enacts the tax or changes the rate of the tax described in  
110 Subsection (7)(d)(ii)(A), the rate of the tax.

111 (e) (i) If the billing period for a transaction begins before the effective date of the  
112 enactment of the tax or a tax rate increase under Subsection (1), the enactment of a tax or a tax  
113 rate increase shall take effect on the first day of the first billing period that begins after the  
114 effective date of the enactment of the tax or the tax rate increase.

115 (ii) If the billing period for a transaction begins before the effective date of the repeal  
116 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of a tax or a tax rate  
117 decrease shall take effect on the first day of the last billing period that began before the  
118 effective date of the repeal of the tax or the tax rate decrease.

119 (f) (i) If a tax due under this part on a catalogue sale is computed on the basis of sales  
120 and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax

121 described in Subsection (7)(d)(i) takes effect:

122 (A) on the first day of a calendar quarter; and

123 (B) beginning 60 days after the effective date of the enactment, repeal, or change under  
124 Subsection (7)(d)(i).

125 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
126 commission may by rule define the term "catalogue sale".

---

---

**Legislative Review Note**  
**as of 12-6-11 3:01 PM**

**Office of Legislative Research and General Counsel**