

SALES AND USE TAX REVISIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill amends provisions related to sales and use taxes.

Highlighted Provisions:

This bill:

- defines terms; and
- requires certain sellers to report certain information to the State Tax Commission.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

59-12-107.6, Utah Code Annotated 1953

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

Section 1. Section **59-12-107.6** is enacted to read:

59-12-107.6. Noncollecting seller report to commission.

(1) As used in this section:

(a) "Noncollecting seller" means a seller that:

(i) is not required to collect and remit a tax under this chapter;



- 28 (ii) does not voluntarily collect and remit a tax under this chapter;
29 (iii) sells:
30 (A) tangible personal property or a product transferred electronically from a place of
31 business outside the state; or
32 (B) a service performed from a place of business outside the state on tangible personal
33 property or a product transferred electronically described in Subsection (1)(a)(iii)(A); and
34 (iv) ships the tangible personal property or product transferred electronically described
35 in Subsection (1)(a)(iii)(A) into the state for storage, use, or consumption.
- 36 (b) "Purchaser in the state" means a purchaser that purchases:
37 (i) tangible personal property that is shipped into the state;
38 (ii) a product transferred electronically that is shipped into the state; or
39 (iii) a service performed from a place of business outside the state on tangible personal
40 property described in Subsection (1)(b)(i) or a product transferred electronically described in
41 Subsection (1)(b)(ii).
- 42 (c) "Selling platform" means a service offered by a noncollecting seller to another
43 person that allows the other person, through a registration process with the noncollecting seller,
44 to sell that other person's tangible personal property, product transferred electronically, or
45 service.
- 46 (2) Subject to the other provisions of this section, a noncollecting seller that sells
47 tangible personal property, a service, or a product transferred electronically to a purchaser in
48 the state shall report to the commission the name of each person registered with the
49 noncollecting seller who sells tangible personal property, a product transferred electronically,
50 or a service:
- 51 (a) through the noncollecting seller's selling platform;
52 (b) to a purchaser in the state; and
53 (c) if the person's total sales through the selling platform exceed \$2,500 in the previous
54 calendar quarter.
- 55 (3) A noncollecting seller shall file the report required by Subsection (2) quarterly on
56 or before the last day of the calendar quarter.
- 57 **Section 2. Effective date.**
58 This bill takes effect on July 1, 2015.

Legislative Review Note
as of 2-11-15 10:51 AM

Office of Legislative Research and General Counsel