HB183

197465-1

By Representative Scott

RFD: Ways and Means General Fund

First Read: 19-MAR-19
SYNOPSIS: This bill would provide for updates to the amnesty and class action provisions for eligible sellers and clarify transactions for which simplified sellers use tax cannot be collected and remitted.

A BILL
TO BE ENTITLED
AN ACT

Relating to simplified sellers use tax; to update the amnesty and class action provisions for eligible seller and to clarify transactions for which simplified sellers use tax cannot be collected and remitted.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-23-199, Code of Alabama 1975, as amended by Act 2018-539 of the 2018 Regular Session, is amended to read as follows:

"§40-23-199."
"(a) Subject to the limitations set out herein, an eligible seller participating in the program shall be granted amnesty for any uncollected remote use tax that may have been due on sales made to purchasers in the state for the twelve-month period preceding the effective date of the eligible sellers' participation in the program all periods preceding October 1, 2019.

"(b) (1) The amnesty will preclude assessment for uncollected simplified sellers use tax together with any penalty or interest for sales made during the twelve-month period prior to the effective date of the eligible seller's participation in the program a period prior to October 1, 2019.

"(c) (2) The amnesty provided herein shall be granted to any eligible seller who applies to participate in the program following acceptance into the program by the department.

"(d) (3) Amnesty is not available to an eligible seller with respect to any matter or matters for which the eligible seller has received notice of the commencement of an audit and the audit is not yet finally resolved, including any related administrative and judicial processes.

"(e) (4) Amnesty is not available for any simplified sellers use tax already paid or remitted to the state or for taxes collected by the eligible seller.

"(f) (5) Amnesty is fully effective, absent the eligible seller's fraud or intentional misrepresentation of a
material fact, as long as the eligible seller continues his or her participation in the program and continues to collect, report, and remit applicable simplified sellers use tax for a period of at least 36 months.

"(g) (6) Amnesty is applicable only to simplified sellers use tax due from an eligible seller in his or her capacity as an eligible seller and not to remote use taxes due from a seller in his or her capacity as a buyer.

"(b) No class action may be brought against an eligible seller in any court of this state on behalf of customers for an overpayment of simplified sellers use tax collected and remitted on sales made by the eligible seller."

Section 2. The simplified sellers use tax levied under Section 40-23-193 shall not be collected and remitted in lieu of the sales and use tax collected by a licensing official pursuant to Section 40-23-104.

Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.