

State of South Dakota

EIGHTIETH
LEGISLATIVE ASSEMBLY, 2005

400L0234

HOUSE BILL NO. 1044

Introduced by: The Committee on Taxation at the request of the Department of Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the refund procedures
2 for a purchaser who seeks a return of over-collected sales or use taxes from a seller.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No purchaser has a cause of action against a seller for over-collected sales or use taxes until
7 the purchaser has provided written notice to a seller and the seller has had sixty days to respond.
8 The notice to the seller shall contain the information necessary to determine the validity of the
9 request.

10 Section 2. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 In connection with a purchaser's written notice to a seller of over-collected sales or use taxes
13 pursuant to section 1 of this Act, a seller is presumed to have a reasonable business practice, if
14 in the collection of such sales or use taxes, the seller uses either a provider or a system,
15 including a proprietary system, that is certified by the state or the Streamlined Sales Tax



- 1 Governing Board; and has remitted to the state all taxes collected less any deductions, credits,
- 2 or collection allowances.