State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0200

HOUSE TAXATION ENGROSSED NO. SB 51 - 02/28/2013

Introduced by: The Committee on Appropriations at the request of the Department of Revenue

FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the application of the collection allowance credit for collecting the sales tax.

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

Section 1. That § 10-45-27.2 be amended to read as follows:

10-45-27.2. Any person required to file a return and remit the tax imposed by chapter 10-45 ~~on a monthly basis and~~, who holds a license issued pursuant to chapter 10-45, who timely files the return due, and ~~pays~~ who timely remits the tax due, is allowed, as compensation for the expense of collecting and paying the tax ~~monthly~~, a credit equal to one and one-half percent of the gross amount of the tax due. However, the credit may not exceed seventy dollars per ~~month~~ return period.

If a person is required to file a return and to remit tax more than once within a thirty day period, the collection allowance credit may not exceed seventy dollars for all returns filed and all remittances made within the thirty day period.

The collection allowance credit authorized by this section only applies to taxes reported on

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

the sales and use tax return, including the taxes imposed by chapters 10-45, 10-45D, 10-46, 10-46E, 10-52, 10-52A, 10-58, and 10-33A, and §§ 32-5B-20 and 10-62-2.

The collection allowance credit authorized by this section shall be granted for any return to be filed and for any tax to be remitted after January 1, 2014.

After January 1, 2015, the collection allowance credit authorized by this section shall only be granted to a person who timely files the return due by electronic means and who timely remits the tax due by electronic means.

No person that has selected a certified service provider as its agent as set forth in § 10-45C-1 is entitled to the collection allowance credit authorized by this section if the certified service provider receives a monetary allowance as provided by the Streamlined Sales and Use Tax Agreement authorized by chapter 10-45C for performing the retailer's sales and use tax functions in this state.

No collection allowance credit authorized by this section may be granted to any person who has outstanding tax returns due to the department or who has outstanding tax remittances due to the department.

Section 2. That § 10-45C-16 be repealed.

~~10-45C-16. When the cumulative total of the net revenue received pursuant to § 10-45C-15 exceeds ten million dollars, a collection allowance established pursuant to § 10-45-27.2 shall become effective the following July first.~~

Section 3. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as follows:

For any tax collected by the department on behalf of another entity, the department may charge the entity an administrative fee for collecting the tax.