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Overview

Makes the following two changes to the marketplace provider sales tax provisions:

- Clarifies the application of the \$10,000 de minimis exemption; and
- Allows the marketplace provider to shift fiscal responsibility to the retailer for sales tax underpayments discovered by audit under certain circumstances.

Effective at the earlier of July 1, 2020, or a federal law passes allowing enforcement of the provision.

Section

1 Collection and remittance requirements for marketplace providers and marketplace retailers.

- Paragraph (a), clause (3) clarifies that a marketplace provider does not need to collect the tax for a retailer if the retailer confirms in writing that they qualify for the \$10,000 de minimis exemption and the marketplace provider did not make \$10,000 in sales on behalf of the retailer in the preceding 12-month period.
- Paragraphs (b) and (d) allow a marketplace provider to re-assign fiscal liability for sales tax underpayment discovered on audit from the marketplace provider to the retailer provided that they provide the commissioner of revenue with a copy of an agreement between the retailer and marketplace provider, in a form prescribed by the commissioner, making this assignment.