

By: Deuell

S.B. No. 1202

A BILL TO BE ENTITLED

AN ACT

relating to the collection and allocation of local sales and use taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 321.203(c) and (d), Tax Code, are amended to read as follows:

(c) If a retailer has more than one place of business in this state, a sale of each ~~[a]~~ taxable item by the retailer is consummated at the ~~[retailer's]~~ place of business of the retailer:

(1) where the retailer first accepts payment in person by the purchaser or lessee for the taxable item at a place of business of the retailer in this state;

(2) from which the retailer ships or delivers the item, if the retailer ships or delivers the item to a point designated by the purchaser or lessee; or

(3) ~~[(2)]~~ where the purchaser or lessee takes possession of and removes the item, if the purchaser or lessee takes possession of and removes the item from a place of business of the retailer.

(d) If Subsection (c) does not apply ~~[neither the possession of a taxable item is taken at nor shipment or delivery of the item is made from the retailer's place of business in this state]~~, the sale is consummated at:

(1) the ~~[retailer's]~~ place of business of the retailer

1 in this state where the order is received; or

2 (2) if the order is not received at a place of business
3 of the retailer, the place of business from which the retailer's
4 agent or employee who took the order operates.

5 SECTION 2. Sections 323.203(c) and (d), Tax Code, are
6 amended to read as follows:

7 (c) If a retailer has more than one place of business in this
8 state, a sale of each [a] taxable item by the retailer is
9 consummated at the [~~retailer's~~] place of business of the retailer:

10 (1) where the retailer first accepts payment in person
11 by the purchaser or lessee for the taxable item at a place of
12 business of the retailer in this state;

13 (2) from which the retailer ships or delivers the
14 item, if the retailer ships or delivers the item to a point
15 designated by the purchaser or lessee; or

16 (3) [~~2~~] where the purchaser or lessee takes
17 possession of and removes the item, if the purchaser or lessee takes
18 possession of and removes the item from a place of business of the
19 retailer.

20 (d) If Subsection (c) does not apply [~~neither the possession~~
21 ~~of a taxable item is taken at nor shipment or delivery of the item is~~
22 ~~made from the retailer's place of business in this state)], the sale
23 is consummated at:~~

24 (1) the [~~retailer's~~] place of business of the retailer
25 in this state where the order is received; or

26 (2) if the order is not received at a place of business
27 of the retailer, the place of business from which the retailer's

1 agent or employee who took the order operates.

2 SECTION 3. The change in law made by this Act does not
3 affect tax liability accruing before the effective date of this
4 Act. That liability continues in effect as if this Act had not been
5 enacted, and the former law is continued in effect for the
6 collection of taxes due and for civil and criminal enforcement of
7 the liability for those taxes.

8 SECTION 4. This Act takes effect September 1, 2009.