

By: Taylor of Collin, et al.

S.B. No. 755

A BILL TO BE ENTITLED

AN ACT

relating to the application of the sales and use tax to certain computer program transactions.

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

SECTION 1. Section 151.006, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) A sale for resale includes the sale of a computer program to a provider of Internet hosting who acquires the computer program from an unrelated vendor for the purpose of selling the right to use the computer program to an unrelated user of the provider's Internet hosting services in the normal course of business and in the form or condition in which the provider acquired the computer program. For purposes of this subsection, the purchase of the computer program by the provider qualifies as a sale for resale only if the provider offers the unrelated user a selection of computer programs that are available to the public for purchase directly from an unrelated vendor and executes a written contract with the unrelated user that specifies the name of the computer program sold to the unrelated user and includes a charge to the unrelated user for computing hardware. This subsection applies, notwithstanding Section 151.302(b), if the unrelated user purchases the right to use the computer program from the provider through the acquisition of a license and the provider does not retain the right to use the computer program under that license.

1 The performance by the provider of routine maintenance of the  
2 computer program that is recommended or required by the unrelated  
3 vendor of the computer program does not affect the application of  
4 this subsection. In this subsection, "Internet hosting" has the  
5 meaning assigned by Section [151.108\(a\)](#).

6         SECTION 2. The changes in law made by this Act do not affect  
7 tax liability accruing before the effective date of this Act. That  
8 liability continues in effect as if this Act had not been enacted,  
9 and the former law is continued in effect for the collection of  
10 taxes due and for civil and criminal enforcement of the liability  
11 for those taxes.

12         SECTION 3. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section [39](#), Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2015.