

By: Hinojosa

S.B. No. 1332

A BILL TO BE ENTITLED

AN ACT

relating to the location at which certain Internet sales are consummated for purposes of local sales taxes.

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

SECTION 1. Section 321.002(a), Tax Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Internet order" means an order placed by a purchaser through a website, software application, or other method using the Internet using a computer or mobile device that does not belong to the seller. The term does not include an order placed by telephone call, regardless of whether the call is completed using Voice over Internet Protocol or a mobile device.

SECTION 2. Section 321.203(e-1), Tax Code, is amended to read as follows:

(e-1) Notwithstanding any other provision of this section, a sale of a taxable item [~~made by a marketplace seller through a marketplace as provided by Section 151.0242~~] is consummated at the location in this state to which the item is shipped or delivered or at which possession is taken by the purchaser if the sale is made:

(1) by a marketplace seller through a marketplace as provided by Section 151.0242; or

(2) through an Internet order.

SECTION 3. Section 323.203(e-1), Tax Code, is amended to read as follows:

1           (e-1) Notwithstanding any other provision of this section,  
2 a sale of a taxable item [~~made by a marketplace seller through a~~  
3 ~~marketplace as provided by Section 151.0242~~] is consummated at the  
4 location in this state to which the item is shipped or delivered or  
5 at which possession is taken by the purchaser if the sale is made:

6                   (1) by a marketplace seller through a marketplace as  
7 provided by Section 151.0242; or

8                   (2) through an Internet order.

9           SECTION 4. The change in law made by this Act does not  
10 affect tax liability accruing before the effective date of this  
11 Act. That liability continues in effect as if this Act had not been  
12 enacted, and the former law is continued in effect for the  
13 collection of taxes due and for civil and criminal enforcement of  
14 the liability for those taxes.

15           SECTION 5. This Act takes effect October 1, 2021.