

By: Meyer

H.B. No. 5089

A BILL TO BE ENTITLED

AN ACT

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

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

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

(a) A sale of a taxable item occurs within the municipality in which the sale is consummated. A sale is consummated as provided by this section [~~regardless of the place where transfer of title or possession occurs~~].

(b) All [~~If a retailer has only one place of business in this state, all of the retailer's retail~~] sales of taxable items are consummated at the location in this state to which the item is shipped or delivered or at which possession is taken by the purchaser, [~~that place of business~~] except as otherwise provided by this section [~~Subsection (c)~~].

SECTION 2. Sections 323.203(a) and (b), Tax Code, are amended to read as follows:

(a) A sale of a taxable item occurs within the county in which the sale is consummated. A sale is consummated as provided by this section [~~regardless of the place where transfer of title or possession occurs~~].

(b) All [~~If a retailer has only one place of business in this state, all of the retailer's retail~~] sales of taxable items are

1 consummated at the location in this state to which the item is
2 shipped or delivered or at which possession is taken by the
3 purchaser, [~~that place of business~~] except as otherwise provided by
4 this section [~~Subsection (e)~~].

5 SECTION 3. The following provisions are repealed:

6 (1) Section 3853.202(d), Special District Local Laws
7 Code;

8 (2) Sections 321.203(c), (c-1), (c-4), (c-5), (d),
9 (e), (e-1), and (m), Tax Code; and

10 (3) Sections 323.203(c), (c-1), (c-4), (c-5), (d),
11 (e), and (e-1), Tax Code.

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

18 SECTION 5. This Act takes effect January 1, 2024.