

Introduced by

Senators Cook, Urlacher

Representatives Drovdal, Weiler

1 A BILL for an Act to amend and reenact subsection 2 of section 57-39.2-11, subsection 1 of
2 section 57-39.2-12.1, and subsection 1 of section 57-40.2-07.1 of the North Dakota Century
3 Code, relating to compensation of a remote seller or certified service provider under
4 streamlined sales tax collection agreements; and to provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 57-39.2-11 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 2. The commissioner may require the filing of returns and payment of tax on a
9 monthly, quarterly, annual, or other basis when the commissioner deems it
10 necessary to ensure payment of the tax imposed by this chapter. Compensation
11 for administrative expenses under sections 57-39.2-12.1 and 57-40.2-07.1 is ~~not~~
12 allowed under this section ~~unless~~ if the retailer qualifies for compensation under
13 sections 57-39.2-12 and 57-40.2-07. If the retailer's filing responsibility has been
14 assumed by a certified service provider, the retailer may authorize the certified
15 service provider to claim on behalf of the retailer all or part of the compensation to
16 which the retailer is entitled under sections 57-39.2-12.1 and 57-40.2-07.1.

17 **SECTION 2. AMENDMENT.** Subsection 1 of section 57-39.2-12.1 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 1. A retailer who pays the tax due under section 57-39.2-12 or chapter 57-39.4 within
20 the time limitations prescribed may deduct and retain one and one-half percent of
21 the tax due. A retailer that is a remote seller that, through a certified service
22 provider or by other means, pays the tax due within the time limitations under
23 section 57-39.2-12 or chapter 57-39.4 on taxable sales made before July 1, 2007,
24 may deduct and retain one and one-half percent of the tax due or such lower

percentage as agreed in the compensation or monetary allowance agreement as approved by the streamlined sales and use tax governing board. The limitation of subsection 2 does not apply to the amount a retailer who is a remote seller is allowed to deduct and retain under this subsection. For purposes of this subsection, "remote seller" means a retailer that does not have an adequate physical presence to establish nexus in this state for sales tax purposes.

SECTION 3. AMENDMENT. Subsection 1 of section 57-40.2-07.1 of the North Dakota Century Code is amended and reenacted as follows:

1. A retailer who pays the tax due under section 57-40.2-07 or chapter 57-39.4 within the time limitations prescribed may deduct and retain one and one-half percent of the tax due. A retailer that is a remote seller that, through a certified service provider or by other means, pays the tax due within the time limitations under section 57-39.2-12 or chapter 57-39.4 on taxable sales made before July 1, 2007, may deduct and retain one and one-half percent of the tax due or such lower percentage as agreed in the compensation or monetary allowance agreement as approved by the streamlined sales and use tax governing board. The limitation of subsection 2 does not apply to the amount a retailer who is a remote seller is allowed to deduct and retain under this subsection. For purposes of this subsection, "remote seller" means a retailer that does not have an adequate physical presence to establish nexus in this state for sales tax purposes.

SECTION 4. EFFECTIVE DATE. This Act is effective for taxable years occurring after September 30, 2005.