

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Potter

1 A BILL for an Act to amend and reenact section 57-39.2-28 of the North Dakota Century Code,
2 relating to establishing reciprocity for sales tax refunds for Canadian residents; and to provide
3 and effective date.

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

5 **SECTION 1. AMENDMENT.** Section 57-39.2-28 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **57-39.2-28. Refunds for Canadian residents - Reciprocity.** The tax imposed under
8 this chapter on gross receipts from sales made to a person who is a resident of Canada may be
9 refunded under the following conditions:

- 10 1. The Canadian resident was in North Dakota for the express purpose of making a
11 purchase, and not as a tourist.
- 12 2. The goods will be removed from North Dakota within thirty days of purchase and
13 will be used permanently outside North Dakota.
- 14 3. The Canadian resident applies in writing to the commissioner on a form as the
15 commissioner may prescribe reciting sufficient facts establishing the exempt status
16 of the sale.
- 17 4. The qualifying sale is one in which the total gross receipts from each individual
18 transaction, which may involve one or more items, equals ~~twenty-five~~ fifty dollars or
19 more.
- 20 5. The refund is ~~fifteen~~ ten dollars or more. Qualifying sales may be accumulated for
21 periods not in excess of one calendar year in order to reach the ~~fifteen~~ ten dollar
22 limit.

6. Notwithstanding section 57-39.2-23, the commissioner may provide names and addresses of Canadian residents claiming a North Dakota sales tax refund to the director of the department of commerce division of tourism.

7. The provisions of this section apply only if the province of which the Canadian claimant is a resident allows a refund with respect to provincial retail sales tax which is substantially similar in effect for residents of North Dakota to the credit allowed by this section for residents of Canada.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable sales occurring after June 30, 2009.