

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 711

Introduced by Assembly Member Charles Calderon

February 26, 2009

An act to ~~amend Section 6002 of~~ *add Section 6225* to the Revenue and Taxation Code, relating to sales and use taxes.

LEGISLATIVE COUNSEL'S DIGEST

AB 711, as amended, Charles Calderon. ~~Sales and use taxes. State Board of Equalization: administration: use tax.~~

The Sales and Use Tax Law requires a person conducting business as a seller of tangible personal property in this state to obtain a permit from the State Board of Equalization for each place of business and also requires a person selling tangible personal property for storage, use, or other consumption in this state to register with the State Board of Equalization.

This bill would require a qualified purchaser, as defined, to register with the State Board of Equalization and to report and pay by April 15, the use tax owed for the previous calendar year. This bill would not apply to the purchase of a vehicle, vessel, or aircraft. This bill would state the Legislature's intent that the revenues paid by qualified purchasers that are deposited into the General Fund be annually appropriated to the Intellectual Property Piracy Prevention and Prosecution Fund.

This bill would become operative only if Assembly Bill 819 of the 2009–10 Regular Session of the Legislature is chaptered.

~~The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this~~

state of, tangible personal property and defines various terms for the purposes of that law.

This bill would make a technical, nonsubstantive change with respect to the definitions that govern the construction of the Sales and Use Tax Law.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6225 is added to the Revenue and
2 Taxation Code, to read:

3 6225. (a) In order to facilitate the collection of use tax imposed
4 by this part, a qualified purchaser shall register with the board
5 on a form prescribed by the board and shall set forth the name
6 under which the qualified purchaser transacts or intends to
7 transact business, the location of the qualified purchaser's place
8 or places of business, and other information as the board may
9 require.

10 (b) The provisions of Article 1 (commencing with Section 6451)
11 of Chapter 5 of this part shall apply to a qualified purchaser,
12 except that a return showing the total sales price of the tangible
13 personal property purchased by the qualified purchaser, the
14 storage, use, or other consumption of which became subject to the
15 use tax during the preceding calendar year, and which was not
16 paid to a retailer required to collect the tax, shall be filed, together
17 with a remittance of the amount of the tax due, with the board on
18 or before April 15.

19 (c) A "qualified purchaser" means a person that meets all of
20 the following conditions:

21 (1) The person is required to hold a business license as required
22 by the local ordinance of the city, county, or city and county in
23 which the person conducts business.

24 (2) The person is not required to hold a seller's permit pursuant
25 to this part.

26 (3) The person is not required to be registered pursuant to
27 Section 6226.

28 (4) The person is not a holder of a use tax direct payment permit
29 as described in Section 7051.3.

1 (d) *This section shall not apply to the purchase of a vehicle,*
2 *vessel, or aircraft as defined in Article 1 (commencing with Section*
3 *6271) of Chapter 3.5 of this part.*

4 (e) *It is the intent of the Legislature that the revenues deposited*
5 *into the General Fund be annually appropriated to the Intellectual*
6 *Property Piracy Prevention and Prosecution Fund.*

7 SEC. 2. *This act shall become operative only if Assembly Bill*
8 *819 of the 2009–10 Regular Session of the Legislature is chaptered.*

9 ~~SECTION 1. Section 6002 of the Revenue and Taxation Code~~
10 ~~is amended to read:~~

11 ~~6002. Except where the context otherwise requires, the~~
12 ~~definitions in this chapter govern the construction of this part.~~