

AMENDED IN ASSEMBLY APRIL 17, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2270

Introduced by Assembly Member Harkey

February 24, 2012

An act to add Section 6452.2 to the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2270, as amended, Harkey. Sales and use tax: use tax: administration.

The Sales and Use Tax Law generally provides, for a transaction not subject to sales tax, that every person storing, using, or otherwise consuming in this state tangible personal property purchased from a retailer for storage, use, or other consumption in this state is liable for use tax, and must pay the use tax to the State Board of Equalization, unless that person has paid the use tax to a retailer registered to collect the tax. Existing law authorizes an eligible person to make an irrevocable election to report qualified use tax, as defined, on that person's income tax return.

This bill, for reporting periods beginning on or after January 1, 2012, would specify that the qualified use tax of an eligible purchaser is due and payable to the board on or before April 15 following the close of the calendar year in which the liability for use tax was incurred.

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

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

1 SECTION 1. Section 6452.2 is added to the Revenue and
2 Taxation Code, to read:

3 6452.2. (a) For reporting periods beginning on or after January
4 1, 2012, notwithstanding Section 6451 and subdivision (b) of
5 Section 6455, the qualified use tax of an eligible ~~person~~ purchaser,
6 as defined in this section, is due and payable to the board on or
7 before April 15 following the close of the calendar year in which
8 the liability for use tax was incurred.

9 (b) "Eligible purchaser" means a person that purchases tangible
10 personal property, the storage, use, or other consumption of which
11 is subject to qualified use tax, as defined in this section, and that
12 is either of the following:

13 (1) Eligible to report use tax on an acceptable tax return, but
14 does not elect to do so.

15 (2) ~~A person that is not~~ *Not* required to file an acceptable tax
16 return pursuant to Part 10 (commencing with Section 17001) or
17 Part 11 (commencing with Section 23001), and that is not a holder
18 of a use tax direct payment permit as described in Section 7051.3
19 or is not otherwise registered or required to be registered with the
20 board to report sales or use tax.

21 (c) "Qualified use tax" for purposes of this section, means the
22 amount of use tax imposed under this part, Article XIII of the
23 California Constitution, in conformity with the Bradley-Burns
24 Uniform Local Sales and Use Tax Law (Part 1.5 (commencing
25 with Section 7200)), or in accordance with the Transactions and
26 Use Tax Law (Part 1.6 (commencing with Section 7251)) that has
27 not been paid to a retailer holding a seller's permit or certificate
28 of registration-use tax. "Qualified use tax" does not include the
29 use tax described in subparagraph (B) of paragraph (2) of
30 subdivision (d) of Section 6452.1.

31 (d) "Acceptable tax return" has the same meaning as that term
32 is used in paragraph (1) of subdivision (d) of Section 6452.1.

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