

HOUSE BILL No. 2960

By Committee on Taxation

3-11

9 AN ACT concerning sales taxation; relating to situs of taxable transac-
10 tions; amending K.S.A. 2007 Supp. 12-191 and repealing the existing
11 section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2007 Supp. 12-191 is hereby amended to read as
15 follows: 12-191. All retail transactions consummated within a county or
16 city having a retail sales tax, which transactions are subject to the Kansas
17 retailers' sales tax, shall also be subject to such county or city retail sales
18 tax. Except as hereinafter provided, *the retailer may choose that* all retail
19 sales, for the purpose of this act, shall be considered to have been con-
20 summated at the *place of business of the retailer, or at the* location de-
21 termined by the sourcing rules as provided in K.S.A. 2007 Supp. 79-3670,
22 and amendments thereto. The retail sales or transfer of watercraft, mod-
23 ular homes, manufactured homes or mobile homes, shall be considered
24 consummated at the place of business of the retailer and sourced to such
25 location. The retail sale, excluding the lease or rental, of motor vehicles,
26 trailers, semi-trailers or aircraft that do not qualify as transportation
27 equipment, as defined in subsection (d) of K.S.A. 2007 Supp. 79-3670,
28 and amendments thereto, shall be considered consummated at the place
29 of business of the retailer and sourced to such location. The isolated or
30 occasional sale of any motor vehicle or trailer shall be considered con-
31 summated at the taxing jurisdiction where the sale is made. If the sale
32 negotiations occurred in different cities or counties, the situs of the sale
33 for local sales tax purposes shall be the place where the motor vehicle or
34 trailer was kept at the time negotiations were first entered into. In the
35 event the place of business of a retailer is doubtful the place or places at
36 which the retail sales are consummated for the purposes of this act shall
37 be determined under rules and regulations adopted by the secretary of
38 revenue which rules and regulations shall be considered with state and
39 federal law insofar as applicable. The director of taxation is hereby au-
40 thorized to request and receive from any retailer or from any city or
41 county levying the tax such information as may be reasonably necessary
42 to determine the liability of retailers for any county or city sales tax. The
43 collection of any sales tax of a county or city approved at any election

1 shall commence on the first day of the calendar quarter next following
2 the 90th day after the date that the city or county has provided written
3 notice to the director of taxation of the election authorizing the levy of
4 such tax. The collection of any such sales tax applicable to printed catalog
5 purchases wherein the purchaser computed the tax based upon local tax
6 rates published in the catalog, shall not commence until the first day of
7 the calendar quarter next following the 150th day after the date that the
8 city or county has provided written notice to the director of taxation of
9 the election authorizing the levy of such tax. The director of taxation shall
10 provide notice to sellers of such taxes within 30 days after receiving such
11 notice from the city or county.

12 A city retailers' sales tax shall not become effective within any area
13 annexed by a city levying such tax until the first day of the calendar quarter
14 next following the 90th day after the date that the governing body of such
15 city provided the state department of revenue with a certified copy of the
16 annexation ordinance and a map of the city detailing the annexed area.
17 The director of taxation shall provide notice to sellers of such tax within
18 30 days after receiving such notice from the city or county.

19 Whenever any sales tax, imposed by any city or county under the pro-
20 visions of this act, shall become effective, at any time prior to the time
21 that revenue derived therefrom may be budgeted for expenditure in such
22 year, such revenue shall be credited to the funds of the taxing subdivision
23 or subdivisions and shall be carried forward to the credit of such funds
24 for the ensuing budget year in the manner provided for carrying forward
25 balances remaining in such funds at the end of a budget year.

26 Sec. 2. K.S.A. 2007 Supp. 12-191 is hereby repealed.

27 Sec. 3. This act shall take effect and be in force from and after its
28 publication in the statute book.