

A motion by Utah to amend Section 331 of the SSUTA relating to relief from liability for purchasers in certain circumstances:

Section 331: RELIEF FROM CERTAIN LIABILITY FOR PURCHASERS
(Effective on and after January 1, 2009)

A. A member state shall relieve a purchaser from liability for penalty to that member state and its local jurisdictions for having failed to pay the correct amount of sales or use tax in the following circumstances:

1. A purchaser's seller or CSP relied on erroneous data provided by that member state on tax rates, boundaries, taxing jurisdiction assignments, or in the taxability matrix completed by that member state pursuant to Section 328; or
2. A purchaser holding a direct pay permit relied on erroneous data provided by that member state on tax rates, boundaries, taxing jurisdiction assignments, or in the taxability matrix completed by that member state pursuant to Section 328.
3. A purchaser relied on erroneous data provided by that member state in the taxability matrix completed by that member state pursuant to Section 328.
4. A purchaser using databases pursuant to subsections (F), (G) and (H) of Section 305 relied on erroneous data provided by that member state on tax rates, boundaries, or taxing jurisdiction assignments. After providing adequate notice as determined by the governing board, a member state that provides an address-based database for assigning taxing jurisdictions pursuant to Section 305, subsection (G) or (H) may cease providing liability relief for errors resulting from the reliance on the database provided by the member state under the provisions of Section 305, subsection (F).

B. Except where prohibited by a member state's constitution, a member state shall also relieve a purchaser from liability for tax and interest to that member state and its local jurisdictions for having failed to pay the correct amount of sales or use

~~with the exceptions described in Section 33. Complete relief provided by state pursuant to Section 328, such relief is limited to the state's erroneous~~

classification in the taxability matrix of terms included in the Library of Definitions as "taxable" or "exempt," "included in sales price" or "excluded from sales prices," or "included in the definition" or "excluded from the definition" .

C. For purposes of this section, the term "penalty" means an amount imposed for noncompliance that is not fraudulent, willful, or intentional which is in addition to the correct amount of sales or use tax and interest.

D. A member state may allow relief on terms and conditions more favorable to a purchaser than the terms required by this section.

E. Relief from liability for tax is not required to the extent such relief is barred by the member state's Constitution.

F. The provisions of this section are effective on and after January 1, 2009, however, to the extent any relief under this section does not require a legislative change in a member state, such relief must be granted effective immediately.