

A motion by Washington and West Virginia relating to direct mail sourcing:

Section 313.1: ELECTION FOR ORIGIN-BASED DIRECT MAIL SOURCING

- A. A member state that has local jurisdictions that levy or receive sales or use taxes may elect to source the sale of direct mail pursuant to the provisions of this section in lieu of the provisions of Section 313.
- B. If the purchaser provides the seller with a Direct Mail Form, the seller is relieved of all obligations to collect, pay, or remit the applicable tax and the purchaser is obligated to pay or remit the applicable tax on a direct pay basis. A Direct Mail Form shall remain in effect for all future sales of direct mail by the seller to the purchaser until it is revoked in writing.
- C. If the purchaser does not provide the seller with a Direct Mail Form, the seller shall collect the tax according to Section 310, subsection (A)(5). To the extent the seller knows the direct mail will be delivered to another state, the seller will not collect the tax applicable to the state from which the direct mail is shipped on the direct mail delivered to another state.
- D. Nothing in this section limits a purchaser's obligation for sales or use tax to any state to which the direct mail is delivered.
- E. A member state that elects to source the sale of direct mail pursuant to the provisions of this section shall inform the governing board of such election.