**Section 402: AMNESTY FOR REGISTRATION**

A. Subject to the limitations in this section:

1. A member state shall provide amnesty for uncollected or unpaid sales or use tax to a seller who registers through the Streamlined central registration system for the state in which the amnesty is sought if the seller pays or collects and remits the applicable sales or use tax in accordance with the terms of the Agreement on sales made to purchasers in all the full member states in which the seller makes sales.

   Sellers that are only making wholesale sales in a state which does not require wholesalers to register and sellers who only make sales through a marketplace facilitator in a state which does not require those sellers to register, would not be required to register in those states to qualify for the amnesty. The amnesty does not apply if the seller was registered in that state in the twelve-month period preceding the effective date of the state's participation in the Agreement.
2. The amnesty will preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in the state, provided registration occurs within twelve months of the effective date of the state's participation in the Agreement.
3. Amnesty similarly shall be provided by any additional state that joins the Agreement after the seller has registered.

B. The amnesty is not available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes.

C. The amnesty is not available for sales or use taxes already paid or remitted to the state or to taxes collected by the seller.

D. The amnesty is fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and continues payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. Each member state shall toll its statute of limitations applicable to asserting a tax liability during this thirty-six month period.

E. The amnesty is applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its capacity as a buyer.

F. A member state may allow amnesty on terms and conditions more favorable to a seller than the terms required by this section.

G. 1. The amnesty program provided in Sections 402. A. through F. above, ends on the date when the Streamlined Sales Tax Voluntary Disclosure Program for Remote Sellers provided in Section 402.1 begins.

2. The provisions of the amnesty program provided in Sections 402.A. through F. do not change for any sellers that participated in and qualified for the amnesty program prior to the date the Streamlined Sales Tax Voluntary Disclosure Program for Remote Sellers provided in Section 402.1 begins.

**Section 402.1: STREAMLINED SALES TAX VOLUNTARY DISCLOSURE PROGRAM FOR REMOTE SELLERS**

A. State participation in the Streamlined Sales Tax Voluntary Disclosure Program (SSTVD)

1. Each state joining the Streamlined Sales Tax Governing Board on or after [the effective date of this amendment] and all contingent member and associate member states must participate in the Streamlined Sales Tax Voluntary Disclosure Program (SSTVD) for “qualified remote sellers.”

a. All states that join the Streamlined Sales Tax Governing Board as a full member state on or after [the effective date of this amendment] must offer the SSTVD for qualified remote sellers for a minimum of 12 consecutive months. The required 12-month period a state must offer the SSTVD includes the period of time the state offered the SSTVD while it was an associate or contingent member state.

b. If the SSTVD is sunset for full member states, all contingent member and associate member states must continue to offer the SSTVD for qualified remote sellers, as outlined in Section 402.1.

c. If the SSTVD is sunset, any state that becomes a full member state on or after [the effective date of this amendment] must continue to offer the SSTVD for qualified remote sellers until the state has offered the SSTVD for a minimum of 12 consecutive months as stated in 402.1.A.1.a.

2. A state that is a full member state of the Streamlined Sales Tax Governing Board as of [the effective date of this amendment] must notify the Executive Director in writing no later than 30 days prior to the effective date of the program indicating their intention to participate or not participate in the SSTVD for qualified remote sellers.
    a. All states participating in the SSTVD must participate for a minimum of 12 consecutive months.
    b. Any state that previously elected not to participate in the SSTVD may choose to participate in the SSTVD, after the initial SSTVD effective date. The state's SSTVD start date must be the first day of a calendar month that is at least 30 days after the state notifies the Executive Director in writing that the state will participate in the SSTVD.
    c. Any state that elects and begins to offer the SSTVD after the initial effective date must offer the SSTVD for a minimum of 12 consecutive months.
3. The SSTVD applies to the taxes that are identified on the state's petition for membership in the Streamlined Sales Tax Governing Board. SSTVD participating states that allow other taxes to be included in their state's SSTVD must provide a list of all the taxes to be included in the SSTVD which will be posted on the SST website.
4. Status as a "qualified remote seller" is considered on a state-by-state basis by the states participating in this SSTVD. Meeting or not meeting the requirements to be a "qualified remote seller" in one or more of the SSTVD participating states does not qualify or disqualify a seller from "qualified remote seller" status in other SSTVD participating states.

B. "Qualified Remote Seller"

1. A "qualified remote seller" is a seller who:
    a. Certifies to the Streamlined Sales Tax Governing Board (Governing Board) and applicable SSTVD participating states that it would not be required to register to collect and remit sales or use tax in the state if it did not meet or exceed the state's economic nexus threshold(s), except for inventory held in a third party's warehouse which the seller does not control and the third party is responsible for collecting and remitting the applicable taxes on sales of that inventory;

b. Agrees to submit the registration through the Streamlined Sales Tax Registration System in each SSTVD participating state in which it meets or exceeds the state's economic nexus threshold and begins collecting and remitting the appropriate sales and use taxes in all of these states no later than the date on which it submits the SSTVD Contracts. Sellers are not required to register in a state if the state does not require the seller to register because the seller is:
   1. only making wholesale sales;
   2. only making sales through a marketplace facilitator who is collecting and remitting the applicable taxes on those sales; or
   3. only making non-taxable sales.

c. Agrees to provide additional information requested by the state following the provisions in Section 401.C. of the Streamlined Sales and Use Tax Agreement.

d. Signs and submits a SSTVD Contract for each SSTVD participating state that the seller has indicated it is required to register in as a qualified remote seller within 30 calendar days of receiving the contract from the Governing Board.

e. After a state accepts and enters into the SSTVD contract with the qualified remote seller:
   1. Agrees to prepare and file the returns or comparable spreadsheets and reporting information for the lookback period, as required by each state, within 12 months;
   2. Agrees to pay the balance due for the lookback period within 30 calendar days of the state providing the balance due or as otherwise required by each state;

f. Agrees to remain registered and collecting and remitting the taxes due for the greater of:
   1. twenty-four months from the date of registration, or
   2. until the qualified remote seller's activities in the SSTVD participating state no longer meet or exceed the state's economic nexus threshold(s) and the qualified remote seller inactivates their registration following the state's guidelines for inactivating registrations.

g. Agrees to follow the procedures contained in the Streamlined Sales Tax Governing Board's Rules and Procedures related to the SSTVD, including completing any and all forms required to be completed by the Governing Board or the SSTVD participating state(s); and

h. Affirms they:

1. Have not participated in this SSTVD previously, or
2. Previously participated in this SSTVD and subsequently requests to participate in the SSTVD again only with those states that were not part of the SSTVD during the seller's previous participation.

2. A "qualified remote seller" meeting all the requirements of B.1. and who registers through the SSTRS on or after the date the Governing Board approves the initial SSTVD program but prior to the effective date of the initial SSTVD program is eligible to apply for the SSTVD. A remote seller that registers through the SSTRS during this period must submit their SSTVD application no later than 10 business days after the effective date of the initial SSTVD program to be considered a "qualified remote seller" eligible to participate in the SSTVD.

3. A "qualified remote seller" for a SSTVD participating state does not include a seller who:

a. Is already registered prior to initiating participation in the SSTVD, with that state for sales tax purposes, except as provided in paragraph B.2. of this section;

b. Received notice of audit or is under audit, on or after June 21, 2018, prior to registering through the Streamlined Sales Tax Registration System;

c. Is under criminal investigation for sales tax purposes at the time of registering through the Streamlined Sales Tax Registration System;

d. On or after June 21, 2018, was registered with the state for sales or use tax purposes or contacted by the state about registering to collect and remit sales or use tax; or

e. Has collected and failed to remit sales tax for that state.

4. Qualified remote sellers participating in the SSTVD must submit the SSTVD application to the Governing Board no later than the later of:

a. 12 months after a state begins participating in the SSTVD; or

b. Within 3 years after the remote seller met the SSTVD participating state's economic nexus threshold if the SSTVD is extended beyond the initial 12-month program period.

5. A seller loses their "qualified remote seller" status in any state in which they fail to complete the requirements of Section 402.1.B.
    a. SSTVD participating states are not precluded from pursuing collection actions with qualified remote sellers who do not complete the SSTVD requirements as outlined in this section and the corresponding rules.

C. Under the SSTVD, each SSTVD participating state shall, absent any fraud or intentional misrepresentation on the part of the “qualified remote seller”:

1. Limit the lookback period for each “qualified remote seller” who notifies the Governing Board, to no more than the prior 24 months, unless a SSTVD participating state is specifically required under its laws to have a longer lookback period, from when the “qualified remote seller” notifies the Governing Board that it wants to participate in the SSTVD by submitting all forms required to be completed by the Governing Board or the SSTVD participating state(s). The limited lookback period does not include any periods prior to when the seller met or exceeded the SSTVD participating state’s economic nexus threshold;
2. Eliminate all penalties and late filing fees during the lookback period to the extent allowed by the SSTVD participating state’s laws;
3. Within 30 calendar days of receiving a contract signed by the qualified remote seller:
    a. Sign and send a copy of the SSTVD contract back to the seller and copy the SSTGB staff; or
    b. Notify the seller and SSTGB staff that the seller does not qualify for the SSTVD program, including the reason the seller does not qualify.
4. Allow a qualified remote seller 12 months to complete the SSTVD Contract. The 12-month period begins with the month the qualified remote seller signs the SSTVD Contract with the SSTVD participating state(s).

A SSTVD participating state may allow terms and conditions more favorable to a seller than the terms required by this section.

D. A qualified remote seller will not be disqualified from participating in the SSTVD due to contact by a participating state from the time when the SSTVD application is received by the Governing Board through when the state sends the signed contract back to the seller.

E. The Governing Board shall promulgate rules that govern the process a "qualified remote seller" and "SSTVD participating states" must follow to participate in the SSTVD and any required forms.

F. SSTVD Sunset or Extension

1. The SSTVD sunsets 12 months after the SSTVD starts, unless the Governing Board votes to extend the program beyond the sunset date. If the SSTVD is sunset, the provisions contained in Section 402 of the Agreement related to the amnesty shall remain repealed.
2. If the Governing Board votes to extend the SSTVD, all full member states, regardless of any current or prior SSTVD participation, must notify the Executive Director in writing no later than 30 days prior to the first day of the extension period indicating their intention to participate in, continue their participation in, or end their participation in the extended SSTVD. If the state fails to respond, the presumption is that the state will not participate or continue their participation in the extended SSTVD.
3. If the Governing Board extends the SSTVD or if a state chooses to participate after the initial offering of the SSTVD as provided in A.2.b., SSTVD participating states can only end their participation on the last day of a calendar month that is at least 30 days after notifying the Executive Director in writing of ending their participation. However, in no case may the state end its participation without offering the program for a minimum of 12 consecutive months.