

1 effecting sales of taxable items; [~~and~~]

2 (6) a person who, under an agreement with another
3 person, is:

4 (A) entrusted with possession of tangible
5 personal property with respect to which the other person has title
6 or another ownership interest; and

7 (B) authorized to sell, lease, or rent the
8 property without additional action by the person having title to or
9 another ownership interest in the property; and

10 (7) a person who is a marketplace provider under
11 Section 151.0242.

12 SECTION 2. Subchapter B, Chapter 151, Tax Code, is amended
13 by adding Section 151.0242 to read as follows:

14 Sec. 151.0242. MARKETPLACE PROVIDERS AND MARKETPLACE
15 SELLERS. (a) In this section:

16 (1) "Marketplace" means a physical or electronic
17 medium through which persons other than the owner or operator of the
18 medium make sales of taxable items. The term includes a store,
19 Internet website, software application, or catalog.

20 (2) "Marketplace provider" means a person who owns or
21 operates a marketplace and directly or indirectly processes sales
22 or payments for marketplace sellers.

23 (3) "Marketplace seller" means a seller, other than
24 the marketplace provider, who makes a sale of a taxable item through
25 a marketplace.

26 (b) Except as otherwise provided by this section, a
27 marketplace provider has the rights and duties of a seller or

1 retailer under this chapter with respect to sales made through the
2 marketplace.

3 (c) A marketplace provider shall:

4 (1) certify to each marketplace seller that the
5 marketplace provider assumes the rights and duties of a seller or
6 retailer under this chapter with respect to sales made by the
7 marketplace seller through the marketplace;

8 (2) collect in the manner provided by Subchapters C
9 and D the taxes imposed by this chapter on sales of taxable items
10 made through the marketplace; and

11 (3) report and remit under Subchapter I the taxes
12 imposed by this chapter on all sales made through the marketplace.

13 (d) A marketplace seller who in good faith accepts a
14 marketplace provider's certification under Subsection (c)(1) shall
15 exclude sales made through the marketplace from the marketplace
16 seller's report under Subchapter I, notwithstanding Section
17 151.406.

18 (e) A marketplace seller shall retain records for all
19 marketplace sales as required by Section 151.025.

20 (f) A marketplace seller shall furnish to the marketplace
21 provider information that is required to correctly collect and
22 remit taxes imposed by this chapter. The information may include a
23 certification of taxability that an item being sold is a taxable
24 item, is not a taxable item, or is exempt from taxation.

25 (g) Except as provided by Subsection (h), a marketplace
26 provider is not liable for failure to collect and remit the correct
27 amount of taxes imposed by this chapter if the marketplace provider

1 demonstrates that the failure resulted from the marketplace
2 provider's good faith reliance on incorrect or insufficient
3 information provided by the marketplace seller. The marketplace
4 seller is liable for a deficiency resulting from incorrect or
5 insufficient information provided by the marketplace seller.

6 (h) A marketplace provider and marketplace seller that are
7 affiliates or associates, as defined by Section 1.002, Business
8 Organizations Code, are jointly and severally liable for a
9 deficiency resulting from a sale made by the marketplace seller
10 through the marketplace.

11 (i) This section does not affect the tax liability of a
12 purchaser under Section 151.052 or 151.102.

13 (j) A court may not certify an action brought against a
14 marketplace provider concerning this section as a class action.

15 (k) The comptroller may adopt rules and forms to implement
16 this section and by rule except certain marketplace providers from
17 some or all of the requirements of this section.

18 SECTION 3. Section 321.203, Tax Code, is amended by adding
19 Subsection (e-1) to read as follows:

20 (e-1) Notwithstanding any other provision of this section,
21 a sale of a taxable item made by a marketplace seller through a
22 marketplace as provided by Section 151.0242 is consummated at the
23 location in this state to which the item is shipped or delivered or
24 at which possession is taken by the purchaser.

25 SECTION 4. Section 323.203, Tax Code, is amended by adding
26 Subsection (e-1) to read as follows:

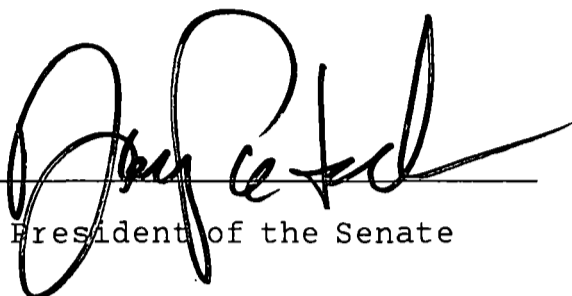
27 (e-1) Notwithstanding any other provision of this section,

1 a sale of a taxable item made by a marketplace seller through a
2 marketplace as provided by Section 151.0242 is consummated at the
3 location in this state to which the item is shipped or delivered or
4 at which possession is taken by the purchaser.

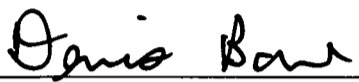
5 SECTION 5. The changes in law made by this Act do not affect
6 tax liability accruing before the effective date of this Act. That
7 liability continues in effect as if this Act had not been enacted,
8 and the former law is continued in effect for the collection of
9 taxes due and for civil and criminal enforcement of the liability
10 for those taxes.

11 SECTION 6. This Act takes effect October 1, 2019.

H.B. No. 1525



President of the Senate



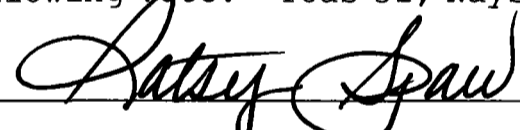
Speaker of the House

I certify that H.B. No. 1525 was passed by the House on April 11, 2019, by the following vote: Yeas 145, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1525 on May 10, 2019, by the following vote: Yeas 103, Nays 3, 1 present, not voting.



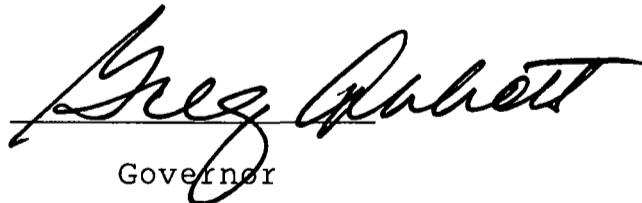
Chief Clerk of the House

I certify that H.B. No. 1525 was passed by the Senate, with amendments, on May 3, 2019, by the following vote: Yeas 31, Nays 0.

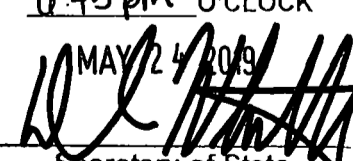


Secretary of the Senate

APPROVED: 5-24-2019
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:45 pm O'CLOCK
MAY 24 2019


Secretary of State