

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 43** HLS 161ES 76
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

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Dept./Agy.: Revenue	Analyst: Deborah Vivien
Subject: Cap on Vendor Compensation claims	

TAX/SALES & USE EN +\$6,400,000 GF RV See Note Page 1 of 1
 Provides for the amount of vendors compensation authorized as compensation for the collection and remittance of state sales and use taxes (Item #21)

Current law allows dealer collecting sales tax on behalf of the state to retain 0.935% of taxes collected as compensation for timely remittance. There is no limit to th total amount of vendor compensation that may be received.

Proposed law caps the annual vendor compensation payment at \$1,500 per month (\$18,000 per year) per dealer with one or more business locations in the state. The compensation is only allowed on the original 4% of state sales tax. Any additional sales tax levied by the state will not qualify for a vendors' compensation payment. The bill is effective on April 1, 2016.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$6,400,000	\$6,400,000	\$6,400,000	\$6,400,000	\$6,400,000	\$32,000,000
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$6,400,000	\$6,400,000	\$6,400,000	\$6,400,000	\$6,400,000	\$32,000,000

EXPENDITURE EXPLANATION

The Department of Revenue indicates that implementation costs could be significant but will be absorbed in the current budget. The Office of Motor Vehicles also indicates significant costs will be involved given the structure of the current system.

REVENUE EXPLANATION

According to the Department of Revenue, in FY15, 171 corporate entities acted as dealers on behalf of the state and each retained more than \$18,000 per year in vendor compensation. The total annual amount of vendor compensation less \$18,000 for each of these vendors is approximately \$6.4M, which is the estimated increase in net state sales tax receipts resulting from this bill. To the extent that additional state sales taxes are imposed, vendors' compensation will be less under this bill since the new impositions will not be eligible for vendors' compensation. The bill is effective April 1, 2016, allowing 3 months of increased net receipts in FY 16, estimated at \$1.6M.

Though the cap is imposed on a monthly basis, the fiscal note estimate is based on annual totals, and assumes relatively even or average monthly claims.

A vendor's compensation payment of \$18,000 is associated with about \$48M in annual sales and \$1.9M in sales tax remittances. In interpreting this bill, the Department allowed one vendor compensation payment of \$18,000 per business entity, not per location and set the limit based on an annual total instead of a monthly maximum due to time limitations.

Vendor compensation analysis has typically not included motor vehicle sales tax. To the extent the cap imposed by this bill is applied to vehicles dealers, some additional net revenue gain to the state would occur.

The bill as written appears to exclude remote sellers collecting on behalf of the state from any vendor compensation payment. This appears to be unintended and the fiscal note does not include a value for this component.

Senate Dual Referral Rules House

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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