

HOUSE BILL NO. 165

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/13/19

Referred: State Affairs, Community & Regional Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act authorizing an organized city or borough and the commissioner of revenue to**
2 **impose a fine for collection of a sales tax in excess of the amount due; and relating to**
3 **sales tax refunds."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 29.45.650 is amended by adding new subsections to read:

6 (l) A person who collects from a taxpayer an amount of sales tax in excess of
7 the amount legally due shall immediately refund to the taxpayer the amount of the
8 overpayment.

9 (m) A borough may impose a civil penalty on a person who collects or
10 attempts to collect an amount of sales tax in excess of the amount legally due. The
11 civil penalty may not exceed \$250 for each violation.

12 * **Sec. 2.** AS 29.45.700 is amended by adding new subsections to read:

13 (h) A person who collects from a taxpayer an amount of sales tax in excess of
14 the amount legally due shall immediately refund to the taxpayer the amount of the

1 overpayment.

2 (i) A city may impose a civil penalty on a person who collects or attempts to
3 collect an amount of sales tax in excess of the amount legally due. The civil penalty
4 may not exceed \$250 for each violation.

5 * **Sec. 3.** AS 43.05 is amended by adding a new section to article 1 to read:

6 **Sec. 43.05.135. Fine for collection of sales tax in unorganized borough. (a)**

7 A person who collects from a taxpayer in the unorganized borough an amount of sales
8 tax in excess of the amount legally due shall immediately refund to a taxpayer the
9 amount of the overpayment.

10 (b) The department may impose a civil penalty on a person who collects or
11 attempts to collect from a taxpayer in the unorganized borough an amount of sales tax
12 in excess of the amount legally due. The civil penalty may not exceed \$250 for each
13 violation.