

By: Representative Currie

To: Ways and Means

HOUSE BILL NO. 158

1 AN ACT TO AMEND SECTION 27-65-33, MISSISSIPPI CODE OF 1972,  
 2 TO REMOVE THE PROVISION THAT REQUIRES A TAXPAYER WHO IS REQUIRED  
 3 TO COLLECT SALES TAXES AND WHO HAS AN AVERAGE MONTHLY SALES TAX  
 4 LIABILITY OF AT LEAST \$50,000.00 TO PAY A PORTION OF HIS SALES TAX  
 5 LIABILITY FOR THE MONTH OF JUNE ON OR BEFORE JUNE 25; AND FOR  
 6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 27-65-33, Mississippi Code of 1972, is  
 9 amended as follows:

10 27-65-33. (1) (a) Except as otherwise provided in this  
 11 section, the taxes levied by this chapter shall be due and payable  
 12 on or before the twentieth day of the month next succeeding the  
 13 month in which the tax accrues, except as otherwise provided.  
 14 Returns and payments placed in the mail must be postmarked by the  
 15 due date in order to be considered timely filed, except when the  
 16 due date falls on a weekend or holiday, returns and payments  
 17 placed in the mail must be postmarked by the first working day  
 18 following the due date in order to be considered timely filed.  
 19 The taxpayer shall make a return showing the gross proceeds of  
 20 sales or the gross income of the business, and any and all



21 allowable deductions, or exempt sales, and compute the tax due for  
22 the period covered.

23 (b) As compensation for collecting sales and use taxes,  
24 complying fully with the applicable statutes, filing returns and  
25 supplements thereto and paying all taxes by the twentieth of the  
26 month following the period covered, the taxpayer may discount and  
27 retain two percent (2%) of the liability on each return subject to  
28 the following limitations:

29 (i) The compensation or discount shall not apply  
30 to taxes levied under the provisions of Sections 27-65-19 and  
31 27-65-21, or on charges for ginning cotton under Section 27-65-23.

32 (ii) The compensation or discount shall not apply  
33 to taxes collected by a county official or state agency.

34 (iii) The compensation or discount shall not  
35 exceed Fifty Dollars (\$50.00) per month, or Six Hundred Dollars  
36 (\$600.00) per calendar year, per business location on each state  
37 sales tax return, or on each use tax return.

38 (iv) The compensation or discount shall not apply  
39 to any wholesale tax, the rate of which is equal to or greater  
40 than the tax rate applicable to retail sales of the same property  
41 or service. The retailer of such items shall be entitled to the  
42 compensation based on the tax computed on retail sales before  
43 application of the credit for any tax paid to the wholesaler,  
44 jobber or other person.



45 (v) The compensation or discount allowed and taken  
46 for any filing period may be reassessed and collected when an  
47 audit of a taxpayer's records reveals a tax deficiency for that  
48 period.

49 (c) As compensation for collecting any tax imposed  
50 under the authority of a local and private law of the State of  
51 Mississippi which is collected and paid to the Department of  
52 Revenue in the same or similar manner that state sales taxes are  
53 collected and paid, complying fully with such applicable law,  
54 filing returns and supplements thereto and paying all taxes by the  
55 twentieth of the month following the period covered, the taxpayer  
56 may discount and retain two percent (2%) of the liability on each  
57 return subject to the following limitations:

58 (i) The compensation or discount shall not apply  
59 to taxes collected by a county official or state agency.

60 (ii) The compensation or discount shall not exceed  
61 Fifty Dollars (\$50.00) per month, or Six Hundred Dollars (\$600.00)  
62 per calendar year, per business location on each tax return.

63 (iii) The compensation or discount allowed and  
64 taken for any filing period may be reassessed and collected when  
65 an audit of a taxpayer's records reveals a tax deficiency for that  
66 period.

67 \* \* \*

68 ( \* \* \*2) All returns shall be sworn to by the taxpayer, if  
69 made by an individual, or by the president, vice president,



70 secretary or treasurer of a corporation, or authorized agent, if  
71 made on behalf of a corporation. If made on behalf of a  
72 partnership, joint venture, association, trust, estate, or in any  
73 other group or combination acting as a unit, any individual  
74 delegated by such firm shall swear to the return on behalf of the  
75 taxpayer. The commissioner may prescribe methods by which the  
76 taxpayer may swear to his return.

77 ( \* \* \*3) The commissioner may promulgate rules and  
78 regulations to require or permit filing periods of any duration,  
79 in lieu of monthly filing periods, for any taxpayer or group  
80 thereof.

81 ( \* \* \*4) The commissioner may require the execution and  
82 filing by the taxpayer with the commissioner of a good and solvent  
83 bond with some surety company authorized to do business in  
84 Mississippi as surety thereon in an amount double the aggregate  
85 tax liability by such taxpayer for any previous three-month period  
86 within the last calendar year or estimated three (3) months' tax  
87 liability. The bond is to be conditioned for the prompt payment  
88 of such taxes as may be due for each such return.

89 ( \* \* \*5) The commissioner, for good cause, may grant such  
90 reasonable additional time within which to make any return  
91 required under the provisions of this chapter as he may deem  
92 proper, but the time for filing any return shall not be extended  
93 beyond the twentieth of the month next succeeding the regular due  
94 date of the return without the imposition of interest at the rate



95 of one-half of one percent (1/2 of 1%) per month or fractional  
96 part of a month from the time the return was due until the tax is  
97 paid.

98 ( \* \* \*6) For persistent, willful or recurring failure to  
99 make any return and pay the tax shown thereby to be due by the  
100 time specified, there shall be added to the amount of tax shown to  
101 be due ten percent (10%) damages, or interest at the rate of  
102 one-half of one percent (1/2 of 1%) per month, or both.

103 ( \* \* \*7) Any taxpayer may, upon making application  
104 therefor, obtain from the commissioner an extension of time for  
105 the payment of taxes due on credit sales until collections thereon  
106 have been made. When such extension is granted, the taxpayer  
107 shall thereafter include in each monthly or quarterly report all  
108 collections made during the preceding month or quarter, and shall  
109 pay the taxes due thereon at the time of filing such report. Such  
110 permission may be revoked or denied at the discretion of the  
111 commissioner when, in his opinion, a total sales basis will best  
112 reflect the taxable income or expedite examination of the  
113 taxpayer's records.

114 ( \* \* \*8) Any taxpayer reporting credit sales before  
115 collection thereof has been made may take credit on subsequent  
116 returns or reports for bad debts actually charged off, if such  
117 amounts charged off have previously been included in taxable gross  
118 income or taxable gross proceeds of sales, as the case may be, and  
119 the tax paid thereon. However, any amounts subsequently collected



120 on accounts that have been charged off as bad debts shall be  
121 included in subsequent reports and the tax shall be paid thereon.

122 ( \* \* \*9) In cases where an extension of time has been  
123 granted by the commissioner for payment of taxes due on credit  
124 sales and the taxpayer thereafter discontinues the business, such  
125 taxpayer shall be required to file with the commissioner within  
126 ten (10) days, or such further time as the commissioner may  
127 direct, from the date of the discontinuance of such business, a  
128 special report showing the amounts of any credit sales which have  
129 not been included in determining the measure of the tax previously  
130 paid and any other information with reference to credit sales as  
131 the commissioner may require. The commissioner shall thereupon  
132 investigate the facts with reference to credit sales and the  
133 condition of the accounts, and shall determine, from the best  
134 evidence available, the value of all open accounts, notes or other  
135 evidence of debt arising from credit sales. The value of all  
136 notes, open accounts and other evidence of debt, as thus  
137 determined by the commissioner, shall be used in determining the  
138 amount of the tax for which such taxpayer shall be liable. When  
139 the amount of the tax shall have been ascertained, the taxpayer  
140 shall be required to pay the same within ten (10) days or such  
141 further time as the commissioner may allow, notwithstanding the  
142 fact that such note or accounts may still remain uncollected.

143 **SECTION 2.** This act shall take effect and be in force from  
144 and after July 1, 2021.

