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State of Misconsin 2019 - 2020 LEGISLATURE

2019 ASSEMBLY BILL 46

- February 28, 2019 Introduced by Representatives LOUDENBECK, STEFFEN, BALLWEG, BROOKS, DOYLE, EDMING, FELZKOWSKI, FIELDS, GUNDRUM, HORLACHER, KATSMA, KNODL, KUGLITSCH, KULP, MACCO, MURPHY, RAMTHUN, RODRIGUEZ, SPIROS, THIESFELDT, TITTL and TUSLER, cosponsored by Senators KOOYENGA, COWLES, JACQUE, MARKLEIN, STROEBEL, WANGGAARD and NASS. Referred to Committee on Ways and Means.
- 1 AN ACT *to create* 77.61 (5) (b) 14. of the statutes; **relating to:** the disclosure of
 - a retailer's sales tax liability to a successor.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the Department of Revenue from divulging information about a retailer that is included in the sales tax returns filed by the retailer. DOR is also prohibited from disclosing information about a retailer included in an audit or investigation of its sales tax liability. However, DOR may allow certain persons to examine the returns, and related schedules, exhibits, and audit reports, for purposes of administration and enforcement. Such persons include the secretary of revenue and DOR officers, agents, and employees; the attorney general and department of justice employees; public officers of the federal government or other state governments, to the extent that those governments afford similar rights of examination to Wisconsin state officials; and any person against whom DOR asserts a sales tax liability, including a successor, guarantor or surety.

Under this bill, if a person provides evidence to DOR that the person intends to purchase or has purchased a retailer's business or inventory or that the retailer is quitting the business and the person will be the retailer's successor or assignee, that person may examine the retailer's sales tax returns, and related schedules, exhibits, and audit reports, for the purpose of determining whether the retailer is liable for any amount of sales tax and obtaining the amount of its outstanding liability. Current law requires the purchaser of a retailer's business or inventory to withhold the amount of the purchase price sufficient to pay the retailer's outstanding

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sales tax liability. If the purchaser does not withhold the required amount, the purchaser becomes personally liable for payment of that amount to DOR.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1	SECTION 1. 77.61 (5) (b) 14. of the statutes is created to read:
2	77.61 (5) (b) 14. For purposes of determining whether a retailer is liable for any
3	amount of tax under this subchapter and obtaining the outstanding liability of the
4	retailer in order to comply with s. 77.52 (18), any person, or authorized agent of any
5	person, who provides satisfactory evidence to the department, as determined by the
6	department, that the person intends to purchase or has purchased the retailer's
7	business or stock of goods, or that the retailer will quit the business and the person
8	will be the successor or assignee of the retailer.

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(END)