

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 53

Introduced by Hadley, 37.

Read first time January 10, 2013

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section
2 77-2707, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to sales and use tax with respect to
4 the sale of a business or stock of goods; to repeal the
5 original section; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-2707, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 77-2707 (1) If any person liable for any sales or use tax
4 under ~~the provisions of the~~ Nebraska Revenue Act of 1967 sells out
5 his or her business or stock of goods or quits the business, his or
6 her successor or assign shall withhold sufficient of the purchase
7 price to cover such amount until the former owner produces a receipt
8 from the Tax Commissioner showing that it has been paid or a
9 certificate stating that no amount is due.

10 (2) If the purchaser of a business or stock of goods
11 fails to withhold a portion of the purchase price as required, he or
12 she shall become personally liable for the payment of the amount
13 required to be withheld by him or her to the extent of the purchase
14 price, valued in money. Within sixty days after receiving a written
15 request from the purchaser for a certificate, or within sixty days
16 from the date the former owner's records are made available for
17 audit, whichever period expires the later, the Tax Commissioner shall
18 either issue the certificate or mail notice to the purchaser at his
19 or her address as it appears on the records of the Tax Commissioner
20 of the amount that must be paid as a condition of issuing the
21 certificate. Failure of the Tax Commissioner to mail the notice shall
22 release the purchaser from any further obligation to withhold a
23 portion of the purchase price as provided in this subsection. The
24 time within which the obligation of the successor may be enforced
25 shall start to run at the time the former owner sells out his or her

1 business or stock of goods or at the time that the determination
2 against the former owner becomes final, whichever event occurs the
3 later.

4 (3) For purposes of determining the purchase price under
5 this section, the purchase price shall not include any amounts
6 required to satisfy, in whole or in part, any liens against real
7 property or personal property acquired by the purchaser if (a) the
8 Tax Commissioner has not filed a notice of lien in accordance with
9 the provisions of section 77-3904 prior to the time the person sold
10 out his or her business or stock of goods or quit the business or (b)
11 such liens were recorded prior to the Tax Commissioner filing a
12 notice of lien under section 77-3904.

13 Sec. 2. Original section 77-2707, Reissue Revised
14 Statutes of Nebraska, is repealed.

15 Sec. 3. Since an emergency exists, this act takes effect
16 when passed and approved according to law.