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2 Chairman Phil Mendelson

Councilmember Jack Evans

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5 A PROPOSED RESOLUTION

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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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14 To declare the existence of an emergency with respect to the need to amend Title 47 of the
15 District of Columbia Official Code to provide for triggers to lower the commercial property
16 tax rate for real property with an assessed value of greater than \$10 million, to provide
17 that for a certain period specified revenue shall be directed to the Commission on the Arts
18 and Humanities, to clarify that a person or a retailer without a physical presence in the
19 District are vendors required to collect and pay sales tax on retail sales, to expand the
20 definition of retailer to include marketplace facilitators and marketplace sellers, to clarify
21 that the sale of electronically delivered products is a retail sale subject to sales tax, to make
22 conforming changes to the use tax regarding electronically delivered products, to clarify
23 that electronically delivered products subject to sales or use tax are not subject to the gross
24 receipts tax; and to repeal Chapter 39A.

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26 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
27 resolution may be cited as the “Internet Sales Tax Emergency Declaration Resolution of 2018”.

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29 Sec. 2.(a) In June 2018, the United States Supreme Court, in *South Dakota V. Wayfair*,
30 Inc. (138 S. Ct. 2080; 201 L. Ed. 2d 403 (2018)), upheld a South Dakota law that imposed sales
31 tax collection and reporting requirements on large out-of-state retailers that did not have a
32 physical presence in the jurisdiction.

33 (b) As a result of the Court’s decision that jurisdictions may tax remote sales even if the
34 seller does not have a physical presence in the jurisdiction, the Council passed the Internet Sales
35 Tax Amendment Act of 2018, passed on 1st reading on November 13, 2018 (Engrossed version
36 of Bill 22-914) (“permanent legislation”).

37 (c) The permanent legislation, which has an applicability date of January 1, 2019, is
38 scheduled for 2nd reading on December 4, 2018, and will not be law by January 1, 2019.

39 (d) It is important that the provisions of the permanent legislation become law as soon as
40 possible so that they apply by January 1, 2019.

41 Sec. 3. The Council of the District of Columbia determines that the circumstances
42 enumerated in section 2 constitute emergency circumstances making it necessary that the Internet
43 Sales Tax Emergency Amendment Act of 2018 be adopted after a single reading.

44 Sec. 4. This resolution shall take effect immediately.