

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1435

5 By: Representative Hawk
6 By: Senator J. Petty
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PREPAYMENT CALCULATION FOR SALES
10 TAX FROM THE PRECEDING CALENDAR YEAR TO THE PRECEDING
11 FISCAL YEAR; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO AMEND THE PREPAYMENT CALCULATION FOR
16 SALES TAX FROM THE PRECEDING CALENDAR
17 YEAR TO THE PRECEDING FISCAL YEAR; AND TO
18 DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 26-52-512(a), concerning prepayment of
25 sales tax by qualifying retailers, is amended to read as follows:

26 (a) All retailers within the State of Arkansas registered to collect
27 the Arkansas gross receipts tax ~~and having~~ who, on July 1, have average net
28 sales of more than two hundred thousand dollars (\$200,000) per month for the
29 preceding ~~calendar year~~ fiscal year that began on July 1 and ended on June 30
30 shall, beginning the following January 1, make prepayment of sales tax by
31 electronic funds transfer, as defined in § 26-19-101, according to one (1) of
32 the following payment options:

33 (1)(A) The taxpayer may elect to make two (2) tax payments by
34 electronic funds transfer for ~~the current~~ each calendar month. Each payment
35 shall be equal to forty percent (40%) of the tax due on the monthly average
36 net sales on or before the twelfth and twenty-fourth of ~~each~~ that month.



1 (B) The balance of actual collections for the month shall
 2 be remitted with the monthly gross receipts tax report due by the twentieth
 3 day of the following month; or

4 (2)(A) The taxpayer may elect to pay by electronic funds
 5 transfer an amount equal to or exceeding eighty percent (80%) of the gross
 6 receipts tax liability for ~~the current~~ each calendar month on or before the
 7 twenty-fourth of ~~each~~ that month.

8 (B) The balance of actual collections for the month shall
 9 be remitted with the monthly gross receipts tax report due by the twentieth
 10 day of the following month.

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 12 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 13 General Assembly of the State of Arkansas that the current method for
 14 calculating the prepayment requirements for sales and use tax does not
 15 provide adequate time for businesses to ensure their compliance and
 16 inadvertently puts businesses in an untenable position of being unable to
 17 properly comply with existing tax laws. Therefore, an emergency is declared
 18 to exist, and this act being immediately necessary for the preservation of
 19 public peace, health, and safety shall become effective on July 1, 2023.