

HOUSE No. 3662

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act repealing the computer and software services taxes.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately repeal the implementation of certain provisions of the General Laws relative to the taxation of computer and software services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 64H of the General Laws is hereby amended by
2 striking out the definition of “Computer system design services”, inserted by section 48 of
3 chapter 46 of the acts of 2013.

4 SECTION 2. Said section 1 of said chapter 64H is hereby further amended by striking
5 out the words “, or data access, data processing or information management services:” in the
6 definition of “Services”, as appearing in section 49 of said chapter 46.

7 SECTION 3. Said section 1 of said chapter 64H is hereby further amended by striking out
8 the words “, computer system design services and the modification, integration, enhancement,
9 installation or configuration of standardized software” in the definition of “Services”, as
10 appearing in said section 49 of said chapter 46.

11 SECTION 4. Said section 1 of said chapter 64H, as most recently amended by section 48
12 of chapter 46 of the acts of 2013, is hereby further amended by adding at the end of the definition
13 of “services” the following:- Nothing herein shall exempt from tax sales of tangible personal
14 property subject to tax under this chapter.

15 SECTION 5. Notwithstanding any general or special law to the contrary, any person who
16 collected a sales or use tax upon computer or software services taxable pursuant to sections 48
17 and 49 of chapter 46 of the acts of 2013 for services performed or sales occurring from July 31,

2013 to the effective date of this act shall make reasonable efforts to return to the purchasers any such sales or use taxes that were collected but not remitted to the department of revenue.

SECTION 6. Notwithstanding any general or special law to the contrary, any person who collected and remitted to the department of revenue any sales or use tax upon computer or software services taxable pursuant to sections 48 and 49 of chapter 46 of the acts of 2013 for services performed or sales occurring from July 31, 2013 to the effective date of this act may file applications for abatement in a form prescribed by the department of revenue; provided, however, that the department shall make abatement forms available within 30 days of the effective date of this act; provided further that, any person receiving said abatement from the department of revenue shall refund the full amount of the abatement to the person who paid a sales or use tax upon computer or software services taxable pursuant to sections 48 and 49 of chapter 46 of the acts of 2013 within 30 days of receiving said abatement; and provided further, that all applications for abatement pursuant to this section shall be filed with the department no later than December 31, 2013.

SECTION 7. Notwithstanding any general or special law to the contrary, no person who failed to collect the sales or use tax upon computer and software services taxable pursuant to sections 48 and 49 of chapter 46 of the acts of 2013 for services performed or sales occurring from July 31, 2013 to the effective date of this act shall be subject to fines, penalties or fees.

SECTION 8. Notwithstanding any general or special law to the contrary, no person who failed to pay the sales or use tax upon computer and software services taxable pursuant to sections 48 and 49 of chapter 46 of the acts of 2013 for services performed or sales occurring from July 31, 2013 to the effective date of this act shall be subject to fines, penalties, damages or any fees resulting from such failure to pay.

SECTION 9. Sections 1 through 4, inclusive, of this act shall take effect on July 31, 2013