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“The Future Is Faster Than the Law: Aging Statutes and Advancing Technology,” Tax Notes

Jennifer Karpchuk quoted in Tax Notes article

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In an article published in Tax Notes State on February 27, 2024, Philadelphia-based S.A.L.T. Co-Chair Jennifer W. Karpchuk adds her insight to the discussion of the lack of statutes on taxing various business operations such as technology.

Karpchuk weighs in on the Supreme Court’s decision on the *Quill Corp. v. North Dakota* case and how it impacted Congress’ actions to regulate commerce. “The Supreme Court’s decision in Quill paved the way for Congress to take action in this area. Congress can regulate commerce under the commerce clause, but it cannot regulate the requirements of the due process clause. Because Quill clarified that physical presence nexus was purely a commerce clause issue, the decision allowed Congress to act —however, over the next couple of decades, it failed to do,” Karpchuk said.

The article discusses issues with legislature from departments of revenue and how this may impact new technologies and businesses. “This is an issue for the legislature. Departments of revenue should stop trying to fit a square peg into a round hole. If the statute does not clearly subject an item to tax and if the legislature desires to tax a certain item, it is incumbent upon the legislature to amend the statute,” Karpchuk explained.

Karpchuk continues that she would prefer to see an emphasis on legislature amending old statutes from taxing authorities. Additional attorneys and legal counsel provide their opinions on how to advise existing statutes with new technologies.

To view the full article, subscribers may click [here](#).