

Transmittal Sheet For Notice Of Intended Action

Control: 810 Department or Agency: Revenue
 Rule Nos: 810-6-2-.90.03
 Rule Title: Requirements For Certain Out-Of-State Sellers Making Significant Sales Into Alabama

☐ New; ☒ Amended; ☐ Repealed; ☐ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that result from the absence of the proposed rule? N/A

Are all the facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule relate to or effect any matter of litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer _____



Date 07/20/2018

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 810 Department or Agency REVENUE

Rule No: 810-6-2-.90.03

Rule Title: Requirements For Certain Out-Of-State Sellers Making Significant Sales Into Alabama

_____ New X Amend _____ Repeal _____ Adopt by Reference

- ☒ NO
☐ YES

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
3. EFFECT OF THIS RULE ON COMPETITION:
4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA HERE THE RULE IS TO BE IMPLEMENTED:
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH
IF THE RULE IS NOT IMPLEMENTED:

11. OTHER COMMENTS:

ALABAMA DEPARTMENT OF REVENUE
Sales and Use Tax

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-6-2-.27 Gold, Coin And Bullion

INTENDED ACTION

Amend

**SUBSTANCE OF
PROPOSED ACTION:
RULE NO. & TITLE**

The department proposes to amend this rule in order to update with new exemption dates in Act 2018-164.

810-6-2-.90.02
810-6-2-.90.03

Simplified Sellers Use Tax Remittance Program
Requirements For Certain Out-Of-State Sellers Making Significant Sales Into Alabama

INTENDED ACTION

Amend

**SUBSTANCE OF
PROPOSED ACTION:**

The department proposes to amend these rules to incorporate changes and update taxpayer guidance

RULE NO. & TITLE

810-6-2-.90-.04 Requirements for Certain Marketplace Facilitators and Marketplace Sellers

INTENDED ACTION

New

**SUBSTANCE OF
PROPOSED ACTION:**

The department proposes to promulgate this rule to provide guidance to taxpayers due to the passage of Act 2018-539.

RULE NO. & TITLE

810-6-5-.16 Churches And Other Religious Organizations And Institutions.

INTENDED ACTION

Amend

**SUBSTANCE OF
PROPOSED ACTION:**

The department proposes to amend this rule to incorporate Act 2018-562 integration of the sales tax exemptions into the use tax law and a provision of a special use tax exemption of religious publications.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at **02:00 PM on Tuesday, September 11, 2018, Room 1203, First Floor**, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at <http://www.revenue.alabama.gov/tax-policy/>.

All interested parties may present their views in writing to the **Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132** at any time following publication of the notice up until the conclusion of the hearing. Interested parties may also appear at the hearing to present their views.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, September 11, 2018

CONTACT PERSON AT AGENCY:

Meagan Barrett

Alabama Department of Revenue
4131 Gordon Persons Building
Montgomery, Alabama 36132
(334) 242-1380

A handwritten signature in cursive script, appearing to read "Michael D. Gamble".

Michael D. Gamble, Secretary
Alabama Department of Revenue

810-6-2-.90.03 Requirements For Certain Out-Of-State Sellers Making Significant Sales Into Alabama.

(1) ~~Notwithstanding the provisions of Rule 810-6-2-.90.01, entitled Seller's Responsibility to Collect and Pay State Sales Tax and Seller's Use Tax, out-of-state sellers who lack an Alabama physical presence but who are making retail sales of tangible personal property into the state have a substantial economic presence in Alabama for sales and use tax purposes and are~~ An out-of-state seller who is making retail sales of tangible personal property into the state ~~is~~ required to register ~~for a license~~ with the Department and to collect and remit tax pursuant to Section 40-23-67, Code of Ala. 1975, when,

(a) ~~Seller's~~ the seller's retail sales of tangible personal property sold into the state exceed \$250,000 per year based on the previous calendar year's sales; ~~and~~

(b) ~~Seller conducts one or more of the activities described in Section 40-23-68, Code of Ala. 1975;~~

(2) Sellers may satisfy the requirements described in (1) above by one of the following methods:

(a) Using the collecting, reporting, and remitting provisions of Article 2, Chapter 23 of Title 40, Code of Ala. 1975, ~~or~~

(b) Using the collecting, reporting, and remitting provisions created by the Simplified Sellers Use Tax Remittance Act codified at 40-23-191 through 40-23-199, Code of Ala. 1975, or

(c) Having simplified sellers use tax collected, reported, and remitted by a marketplace facilitator pursuant to Rule 810-6-2-90-.04 Requirements for Certain Marketplace Facilitators and Marketplace Sellers.

(3) This rule ~~shall~~ must not apply to all be enforced for any of the following:

(a) transactions occurring ~~on or after January 1, 2016~~ prior to October 1, 2018,

(b) any transactions made through a marketplace facilitator's market for any time period prior to January 1, 2019, or

(c) any transactions made through a marketplace facilitator's market during the time period for which a waiver of penalties was granted to the marketplace facilitator pursuant to Rule 810-6-2-90-.04.

Author: Christy Edwards and Cameran Clark

Authority: §§40-2A-7(a)(5), 40-23-83, 40-23-67, 40-23-68, 40-23-191 through 40-23-199, Code of Ala. 1975.

History: New Rule: Filed September 17, 2015, effective October 22, 2015.
Amended: Filed July 20, 2018; Effective