

APA-1

### Transmittal Sheet For Notice Of Intended Action

Control: 810

Department or Agency: Revenue

Rule Nos: 810-6-1-.02

Rule Title: Advertising Agencies

New;  Amended;  Repealed;  Adopt by Reference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 purposed 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 07/22/2019

APA-2

**ALABAMA DEPARTMENT OF REVENUE**  
**Sales and Use Tax**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE**

810-6-1-.02 Advertising Agencies

**INTENDED ACTION**

Amend

**SUBSTANCE OF**

**PROPOSED ACTION:**

In compliance of the Red Tape Reduction Act 2013-088, the rule has been reviewed and grammatical and citation updates have been made.

**RULE NO. & TITLE**

810-6-5-.01 Closure, Denial, Revocation, or Suspension of Accounts

**INTENDED ACTION**

New

**SUBSTANCE OF**

**PROPOSED ACTION:**

This rule is being promulgated to provide taxpayer guidance on the closure and denial of sales, use, or rental accounts according to Act 2019-253.

**RULE NO. & TITLE**

810-6-1-.14 Awnings, Metal

**INTENDED ACTION**

Repeal

**SUBSTANCE OF**

**PROPOSED ACTION:**

Rules 810-6-1-.13 and 810-6-1-.14 were reviewed pursuant to the Red Tape Reduction Act 2013-088, and have been consolidated as Rule 810-6-1-.13.

**RULE NO. & TITLE**

810-6-1-.13 Awnings

**INTENDED ACTION**

Amend

**SUBSTANCE OF**

**PROPOSED ACTION:**

Rules 810-6-1-.13 and 810-6-1-.14 were reviewed pursuant to the Red Tape Reduction Act 2013-088, and have been consolidated as Rule 810-6-1-.13.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** A public hearing will be held at **01:30 PM on Tuesday, September 10, 2019, 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.

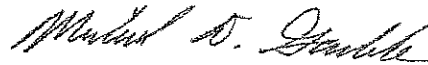
**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Tuesday, September 10, 2019

**CONTACT PERSON AT AGENCY:**

Meagan Barrett

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



Michael D. Gamble, Secretary  
Alabama Department of Revenue

810-6-1-.02 Advertising Agencies

Advertising agencies perform a service in formulating ideas and programs for advertising purposes. All materials purchased by an advertising agency including, but not limited to, brochures, drawing supplies, photographic supplies, and office supplies are consumed by the agency in performing the service and are subject to ~~the~~ tax at the time of purchase. The subsequent transfers of brochures and other materials to the ~~agencies'~~ agency's clients are not classed as retail sales subject to ~~the~~ tax. ~~(Amended to conform to the decision of the Alabama Court of Civil Appeals in the case of~~ State of Alabama v. Douglas M. Harrison, d/b/a Douglas M. Harrison Advertising.) ~~(Adopted May 26, 1961. Amended: November 3, 1980.)~~

Author: Michele Mayberry.

Statutory Authority: ~~Code of Ala. 1975, §§40-2A-7(a)(5), 40-23-31, and 40-23-83, Code of Ala. 1975.~~

386 So. 2d 460 (1980) State of Alabama v. Douglas M. Harrison, d/b/a Douglas M. Harrison Advertising.

History: Adopted May 26, 1961. Amended: November 3, 1980. Readopted through APA effective October 1, 1982.  
Amended: July 22, 2019; Effective