

Remote Seller Tax

What is a remote seller? Out-of-state retailer? Affiliate marketer? Below is useful information that can help you find answers.

Pennsylvania www.revenue.state.pa.us

Companies with legal questions regarding establishment of nexus are encouraged to call the department's Office of Chief Counsel at 717-787-1382 or email RA-nexus@pa.gov. Companies with questions regarding sales tax registration, collection and reporting requirements are encouraged to call the business tax Taxpayer Service and Information Center at 717-787-1064.

http://www.revenue.state.pa.us/portal/server.pt/community/nexus_resources/20610

To register a business in Pennsylvania, visit PA Open for Business for information. Or visit http://www.paopen4business.state.pa.us/portal/server.pt/community/online_business_registration/8778

Arkansas

<http://www.dfa.arkansas.gov/offices/exciseTax/salesanduse/Pages/default.aspxrkansas>

Act 1001 effective October 24, 2011 requires out-of-state sellers that have agreements with Arkansas residents who refer potential purchasers through an Internet web site or otherwise to collect state and local sales and use tax.

<http://www.dfa.arkansas.gov/offices/exciseTax/salesanduse/Documents/whatsnew2011.pdf>

California www.taxes.ca.gov

California Sales Tax Resale Certificate Number

3 Reasons for Obtaining a State Sales Tax Certificate are listed below.

1. California law requires virtually every type of business to obtain a California Sales Tax Certificate Number. If you sell goods on eBay or the internet and ship them to someone in the state you reside, then you must collect sales tax from the buyer and pay the collected tax to your state on a monthly or quarterly basis. If you sell less than \$4 million in annual sales, you do not have to collect or pay sales tax on out-of-state sales.
 - o **California Sales Tax Resale Certificate Example:** If you live in California and you sell or ship something to someone else in California, then you must collect and pay sales tax to the State of California. But, if you sell the same item to someone outside the State of California, you need not charge sales tax, but must report the exempt tax sale to the State of California. Read more at <http://www.online-tax-id-number.org/California-Department-of-Revenue.html>

California Business Registration: <http://www.online-tax-id-number.org/index.html>

Connecticut <http://www.ct.gov/drs/site/default.asp>

Status of remote seller law: pending as of January 2012

Sales Tax Information and forms: <http://www.ct.gov/drs/cwp/view.asp?a=1454&q=271482&drsPNavCtr=#40829>

Illinois <http://www.revenue.state.il.us/>
<http://www.revenue.state.il.us/Publications/Bulletins/2012/FY-2012-03-A.pdf>
Sales and related tax forms: <http://www.revenue.state.il.us/TaxForms/Sales-index.htm>
Out-of-State Retailers: <http://tax.illinois.gov/LegalInformation/regs/part150/150-801.pdf>

New York www.tax.ny.gov
General sales and use tax guidelines:
http://www.tax.ny.gov/pubs_and_bulls/publications/sales_pubs.htm
Presumption applicable to definition of sales tax vendor

Legislation enacted in 2008 creates a presumption that certain sellers of taxable property or services are sales tax vendors who are required to register for sales tax purposes and collect state and local sales taxes. (read more: <http://www.tax.ny.gov/bus/st/newpresumptionstvendor.htm>)
Technical memoranda: Out-of-state retailers [TSB-M-09\(3\)S, *Definition of a Sales Tax Vendor is Expanded to Include Out-of-State Sellers with Related Businesses in New York State*](#)

North Carolina www.dor.state.nc.us www.dornc.com

North Carolina passed an Affiliate Nexus Tax in 2009. Remote Sellers are defined as:

Remote Sales. – A retailer who makes a remote sale is engaged in business in this State and is subject to the tax levied under this Article if at least one of the following conditions is met:

- (1) The retailer is a corporation engaged in business under the laws of this State or a person domiciled in, a resident of, or a citizen of, this State.
- (2) The retailer maintains retail establishments or offices in this State, whether the remote sales thus subject to taxation by this State result from or are related in any other way to the activities of the establishments or offices.
- (3) The retailer solicits or transacts business in this State by employees, independent contractors, agents, or other representatives, whether the remote sales thus subject to taxation by this State result from or are related in any other way to the solicitation or transaction of business. A retailer is presumed to be soliciting or transacting business by an independent contractor, agent, or other representative if the retailer enters into an agreement with a resident of this State under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an Internet Web site or otherwise, to the retailer. This presumption applies only if the cumulative gross receipts from sales by the retailer to purchasers in this State who are referred to the retailer by all residents with this type of agreement with the retailer is in excess of ten thousand dollars (\$10,000) during the preceding four quarterly periods. This presumption may be rebutted by proof that the resident with whom the retailer has an agreement did not engage in any solicitation in the State on behalf of the seller that would satisfy the nexus requirement of the United States Constitution during the four quarterly periods in question.
- (4) Repealed by Session Laws 1991, c. 45, s. 16.
- (5) The retailer, by purposefully or systematically exploiting the market provided by this State by any mediaassisted, mediafacilitated, or mediasolicited means, including direct mail advertising, distribution of catalogs, computerassisted

shopping, television, radio or other electronic media, telephone solicitation, magazine or newspaper advertisements, or other media, creates nexus with this State. A nonresident retailer who purchases advertising to be delivered by television, by radio, in print, on the Internet, or by any other medium is not considered to be engaged in business in this State based solely on the purchase of the advertising.

- (6) Through compact or reciprocity with another jurisdiction of the United States, that jurisdiction uses its taxing power and its jurisdiction over the retailer in support of this State's taxing power.
- (7) The retailer consents, expressly or by implication, to the imposition of the tax imposed by this Article. For purposes of this subdivision, evidence that a retailer engaged in the activity described in subdivision (5) is prima facie evidence that the retailer consents to the imposition of the tax imposed by this Article.
- (8) The retailer is a holder of a wine shipper permit issued by the ABC Commission pursuant to G.S. 18B1001.1.

The entire Article is available at:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_105/Article_5.html

North Carolina Sales and Use Tax Forms/Publications <http://www.dorn.com/taxes/sales/>

Rhode Island <http://www.tax.state.ri.us/>

Under Title 44 – Taxation, Rhode Island defines “retailer”.

<http://www.rilin.state.ri.us/Statutes/TITLE44/44-18/44-18-15.HTM>

New Rules Pertaining to eCommerce Retailers: See “Change in definition of Retailer – 2009:

<http://www.tax.state.ri.us/notice/>

Sales and Use Registration Forms (BAR Form)

http://www.tax.state.ri.us/taxforms/sales_excise/sales_use.php