



DEALERSHIP INDUSTRY GROUP

Contact us at 317.504.7900 or rcollins@hbkcpa.com

<u>State</u>	<u>Post-Wayfair Guidance</u>	<u>SSUTA Status</u>	<u>Effective Date of Economic Nexus Policy</u>	<u>Threshold</u>
Alabama	Ala. Admin. Code r. 810-6-2-.90.03 will be applied prospectively for sales made on or after Oct. 1, 2018. Remote sellers are required to register for the state's Simplified Sellers Use Tax Program and begin collecting no later than that date. Additionally, marketplace facilitators are required under 2018 Ala. H.B. 470 to either collect tax on sales made by or on behalf of its third-party sellers or comply with reporting and customer notification requirements on or before Jan. 1, 2019.	Not a member of SSUTA.	10/1/2018	\$250,000 in sales
Alaska	Alaska does not impose a statewide sales and use tax.	N/A	NA	NA
Arizona	The Arizona Department of Revenue has updated its nexus publication to emphasize the state's voluntary disclosure program. Arizona DOR Publication No. 623, 06/01/2018. In a statement, the Department noted that it is "committed to the fair treatment of online retailers and bricks and mortar establishments and continues to review the U.S. Supreme Court's decision." The Department also indicated that the state's transaction privilege (sales) tax "remains unchanged." A timeline for anticipated guidance was not available.	Not a member of SSUTA.	<i>proposed</i>	\$100,000 in sales or 200 separate transactions
Arkansas	None.	Member of SSUTA.	<i>proposed date of 7/1/19</i>	\$100,000 in sales or 200 separate transactions
California	The California Department of Tax and Fee Administration indicates that it is "reviewing the court's opinion to determine next steps to support taxpayers." California Department of Tax and Fee Administration Website; Checkpoint State & Local Tax Update, 07/02/2018.	Not a member of SSUTA.	4/1/2019	*Notice relieved threshold set at \$100,000 (pending bill set at \$500,000 in sales date TBD)
Colorado	Colorado's DOR has published FAQs related to new sales tax rules that become effective Dec. 1, 2018, for state sales tax and for state-collected local taxes. The new rules implement destination sourcing for local taxes on sales made outside of a retailer's jurisdiction. The DOR will offer in-state retailers a grace period lasting through March 31, 2019, in order to comply with the state's destination sourcing changes. The DOR subsequently announced that it will also offer the same grace period to out-of-state retailers.	Not a member of SSUTA.	12/1/2018	\$100,000 in sales or 200 separate transactions
Connecticut	The Connecticut DRS published guidance for marketplace sellers and facilitators regarding registration and tax collection obligations. Beginning Dec. 1, 2018, marketplace facilitators are required to collect and remit sales tax on behalf of their marketplace sellers.	Not a member of SSUTA.	12/1/2018	\$250,000 in sales AND 200 separate transactions
Delaware	Delaware does not impose a statewide sales and use tax.	N/A	NA	NA

District of Columbia	The proposed bill seeks to establish an economic nexus standard for D.C., requiring remote sellers who reach \$100,000 in sales or 200 transactions into the district to collect sales tax. The bill passed D.C.'s Finance and Revenue Committee with 3 votes in favor, 0 against, and 3 members absent. D.C.'s emergency bill, which expires on March 31, 2019, imposes economic nexus requirements on remote sellers earning more than \$100,000 in gross receipts from retail sales delivered into the District or make more than 200 separate retail sales delivered into the District. It also expands the definition of retailer to include marketplace facilitators, and establishes that electronically delivered products are considered retail sales subject to tax.	Not a member of SSUTA.	1/1/2019	\$100,000 in sales or 200 separate transactions
Florida	The Florida Department of Revenue indicated that it is "reviewing the ruling and its impact on Florida sales tax."	Not a member of SSUTA.	<i>proposed date of</i> 7/1/2019	\$100,000 in sales or 200 separate transactions
Georgia	Georgia's DOR provides guidance for remote sellers. Those meeting the state's threshold must elect to either collect sales tax, or comply with notice and reporting requirements effective Jan. 1, 2019.	Member of SSUTA.	1/1/2019	\$250,000 in sales or 200 separate transactions
Hawaii	The Hawaii Department of Revenue issued a statement clarifying its understanding of the interaction between the Wayfair decision and the state's economic nexus law. Hawaii Dept. of Taxation Announcement No. 2018-10, 06/27/2018.	Not a member of SSUTA.	7/1/2018	\$100,000 in sales or 200 separate transactions
Idaho	The Idaho Tax Commission issued a statement that it is still studying the Wayfair decision. The Tax Commission also indicated that is implementing the state's new referral agreement nexus law that goes into effect on July 1, 2018. News Release, Idaho State Tax Commission, 06/28/2018.	Not a member of SSUTA.	6/1/2019	\$100,000 in sales
Illinois	The Illinois Department of Revenue provided a statement that: "Director Beard is very pleased that the United States Supreme Court overturned the 1992 decision in Quill and recognized that the physical presence requirement of Quill does not reflect the 21st century marketplace. To be clear, this is not a new tax. Illinois residents are already obligated to pay a Use Tax on out-of-state purchases and this prudent decision will allow states the ability to enforce Use Tax laws that are already in existence, bringing in an estimated \$200 million in new State revenue for Illinois annually. With this decision, we level the playing field for Illinois brick and mortar retailers."	Not a member of SSUTA.	10/1/2018	\$100,000 in sales or 200 separate transactions
Indiana	The Indiana Department of Revenue issued a statement pointing to information available for remote sellers on Department's website and emphasizing the Department's desire to work "collaboratively" without out-of-state sellers "to help them come into compliance."	Member of SSUTA.	10/1/2018	\$100,000 in sales or 200 separate transactions
Iowa	The Iowa Department of Revenue issued guidance highlighting the law's compliance with considerations outlined in Wayfair (sales threshold, not retroactive, SSUTA member). Information from the Department of Revenue: South Dakota v. Wayfair, 06/25/2018.	Member of SSUTA.	1/1/2019	\$100,000 in sales or 200 separate transactions

Kansas	The Kansas Department of Revenue issued a statement that it is analyzing the decision "in the context of how it fits with current state tax law and other regulations."	Member of SSUTA.	<i>proposed date of 7/1/2019</i>	\$100,000 in sales
Kentucky	The Kentucky Department of Revenue issued guidance indicating that the law will take effect as scheduled and highlighting its compliance with considerations outlined in Wayfair (sales threshold, not retroactive, SSUTA member). Sales and Use Tax Collections by Remote Retailers - U.S. Supreme Court Ruling, Kentucky Department of Revenue Website, 06/27/2018.	Member of SSUTA.	10/1/2018	\$100,000 in sales or 200 separate transactions
Louisiana	The Louisiana Department of Revenue issued a statement that "While Louisiana is in a good position having adopted a provision very similar to the South Dakota law, we are still some time away from a final decision and seeing the full impact." Louisiana Department of Revenue statement on Supreme Court's Wayfair decision, 06/21/2018.	Not a member of SSUTA.	1/1/2019	\$100,000 in sales or 200 separate transactions
Maine	Maine will enforce its economic nexus law, which became effective Nov. 1, 2017, beginning July 1, 2018, the first filing period after the date of Wayfair.	Not a member of SSUTA.	7/1/2018	\$100,000 in sales or 200 separate transactions
Maryland	The Maryland Comptroller issued a statement that it is reviewing the decision for expeditious "implementation and compliance with the Court's guidance." Statement, Maryland Comptroller, 06/21/2018.	Not a member of SSUTA.	10/1/2018	\$100,000 in sales or 200 separate transactions
Massachusetts	The Massachusetts Department of Revenue issued a statement that the regulation "continues to apply and is not impacted by the Supreme Court's decision." Massachusetts DOR Information on S.D. v. Wayfair Case and Reg. 830 CMR 64H.1.7, 06/22/2018.	Not a member of SSUTA.	10/1/2018	\$500,000 in sales AND 100 separate transactions
Michigan	The Michigan Department of Treasury said it is reviewing the Wayfair decision.	Member of SSUTA.	10/1/2018	\$100,000 in sales or 200 separate transactions
Minnesota	The Minnesota Department of Revenue issued guidance characterizing the Department as pleased, and saying it is analyzing the decision and will issue further guidance within 30 days. Statement from the Minnesota Department of Revenue regarding South Dakota v. Wayfair United States Supreme Court Decision, 06/21/2018.	Member of SSUTA.	10/1/2018	100 or more retail sales or 10 or more retail sales totaling \$100,000
Mississippi	The Mississippi Department of Revenue issued guidance highlighting the Department's economic nexus regulation and contending that "the effect of the U. S. Supreme Court's decision is that all out-of-state sellers who lack physical presence in MS must now collect tax on sales to MS residents." Statement, Mississippi Department of Revenue, 06/21/2018.	Not a member of SSUTA.	9/1/2018	\$250,000 in sales
Missouri	Missouri has not released guidance in reaction to the Wayfair decision.	Not a member of SSUTA.	<i>proposed</i>	\$100,000 in sales or 200 separate transactions
Montana	Although the state does not impose a sales or use tax, Montana's governor issued a statement expressing disappointment at the decision. His office said the state is "still assessing the overall impacts."	N/A	NA	NA
Nebraska	Nebraska's governor issued a statement that "Any increased revenue attributable to total enforcement of our sales tax laws must be steered towards property tax relief. We are analyzing what the decision means for Nebraska."	Member of SSUTA.	1/1/2019	\$100,000 in sales or 200 separate transactions

Nevada	On Sept. 27, 2018, Nevada's Legislative Commission provided the approval needed for the state's economic nexus regulation to take effect beginning Oct. 1, 2018.	Member of SSUTA.	10/1/2018	\$100,000 in sales or 200 separate transactions
New Hampshire	Although the state does not impose a statewide sales or use tax, New Hampshire's governor issued a statement that "New Hampshire will erect every possible and constitutionally permissible legal and procedural hurdle to prevent other states from forcing our businesses to collect sales and use taxes."	N/A	NA	NA
New Jersey	Introduced on Sept. 24, 2018, this bill keeps the same economic nexus thresholds proposed by A. 4261/S. 2794 (\$100,000 or 200 transactions), but notably adds a marketplace facilitator provision. The bill passed both houses on Sept. 27, 2018, and was signed by the governor on Oct. 4, 2018. The law takes effect on Nov. 1, 2018. The Division of Taxation published FAQs regarding remote sellers and the state's economic nexus thresholds. The FAQs also note the 30 day grace period for remote sellers who meet the threshold and explain that the state's "click-through nexus" provisions are not affected by the new economic nexus law.	Member of SSUTA.	11/1/2018	\$100,000 in sales or 200 separate transactions
New Mexico	The New Mexico Taxation and Revenue Department issued a statement that "Our team of economists, attorneys, and tax experts are reviewing the ruling to determine the potential implications for New Mexico."	Not a member of SSUTA.	7/1/2019	\$100,000 in sales
New York	The New York State Department of Taxation and Finance issued a statement that it is reviewing the decision.	Not a member of SSUTA.	1/15/2019	\$300,000 in sales AND 100 separate transactions
North Carolina	The North Carolina Department of Revenue noted that it "signed onto an amicus brief supporting the overturning of Quill" and indicated that is reviewing the Supreme Court's decision and "will be publishing additional information regarding the decision in the near future."	Member of SSUTA.	11/1/2018	\$100,000 in sales or 200 separate transactions
North Dakota	North Dakota's Tax Commissioner issued a statement indicating that the office will be working to implement its contingent economic nexus law "in the coming weeks." Rauschenberger Issues Statement on U.S. Supreme Court Remote Seller Sales Tax Case, 06/21/2018.	Member of SSUTA.	10/1/2018	\$100,000 in sales or 200 separate transactions
Ohio	The Director of the Ohio Department of Taxation issued a statement that "Today's decision does not have an immediate, direct impact on Ohio. The Court ruled on the laws in another state; not on Ohio's tax laws."	Member of SSUTA.	1/1/2019	\$500,000 in sales
Oklahoma	The Oklahoma Tax Commission issued a statement noting that Oklahoma law "offers out-of-state retailers the option of collecting and remitting sales tax in Oklahoma or providing the state with a list of its Oklahoma customers' names and sales totals."	Member of SSUTA.	7/1/2018	\$10,000 in sales
Oregon	Oregon does not impose a statewide sales or use tax.	N/A	NA	NA
Pennsylvania	The Pennsylvania Department of Revenue issued a statement that it is reviewing the Supreme Court's decision and anticipates "providing further comment at a later date." The Department noted its existing marketplace sales law scheme.	Not a member of SSUTA.	7/1/2019	\$100,000 in sales

Rhode Island	The Rhode Island Division of Taxation noted that "a number of online retailers have registered with the Division of Taxation and have begun to collect and remit Rhode Island sales tax" under its existing scheme. The Division "has assembled an internal working group to focus on the legal, tax, and operational impacts of the decision." Statement, Rhode Island Tax Administrator, 06/27/2018.	Member of SSUTA.	8/17/2017	\$100,000 in sales or 200 separate transactions
South Carolina	The South Carolina Department of Revenue issued a statement that it is "pleased" with the Supreme Court's decision, which it said "affirms what the SCDOR has long maintained -- that large online retailers who enjoy the benefits and privileges of doing business in South Carolina should be required to pay the same sales tax that traditional South Carolina brick-and-mortar retailers currently pay."	Not a member of SSUTA.	11/1/2018	\$100,000 in sales
South Dakota	The South Dakota Department of Revenue noted that it "is currently unable to enforce 2016's remote seller taxation law due to the State Circuit Court's injunction that is still in place," but said it expects the "injunction will soon be lifted, requiring sellers meeting certain thresholds of sales or transactions into South Dakota to get a sales tax license."	Member of SSUTA.	11/1/2018	\$100,000 in sales or 200 separate transactions
Tennessee	The Tennessee Department of Revenue issued a statement applauding the U.S. Supreme Court's decision and saying that it is "currently reviewing the Court's decision and are considering next steps and what this means for Tennessee."	SSUTA member in "substantial compliance," according to the Streamlined Sales Tax Governing Board.	<i>proposed date of</i> 1/1/20	\$500,000 in sales
Texas	The Texas Comptroller has issued a statement that "Under its existing legal authority, the Comptroller's office has started reviewing rules that may need updating. Hegar stressed, however, that this would not include any retroactive application of the new law to remote sellers that have no physical presence in Texas." The Comptroller said, "We're looking forward to working with those affected businesses to ensure this is a smooth transition and a successful partnership," and indicated that early 2019 is the target effective date for rule amendments, but that the date could "change pending issues that arise during the rulemaking process." Release, Texas Comptroller, 06/27/2018.	Not a member of SSUTA.	10/1/2019	\$500,000 in sales
Utah	The Utah State Tax Commission issued a statement observing that "Utah law requires the tax commission to notify the Legislature in the event of a Supreme Court decision authorizing states to collect sales tax from remote sellers." The Commission "immediately notified the Legislature when the Wayfair decision was issued and are waiting for their direction." The Commission notes that over the past few years it has "diligently made voluntary compliance agreements with out-of-state companies that do not have a physical presence in Utah."	Member of SSUTA.	1/1/2019	\$100,000 in sales or 200 separate transactions
Vermont	The Vermont Department of Taxes indicated that the Supreme Court's decision allowed the state's contingent economic nexus law to take effect and that "out-of-state vendors are now required to register with the State of Vermont and collect and remit sales tax beginning July 1, 2018," if they meet the statutory thresholds.	Member of SSUTA.	7/1/2018	\$100,000 in sales or 200 separate transactions
Virginia	The Virginia Department of Taxation indicated that it "is currently analyzing the opinion" and "will assess what it means for Virginia and our taxpayers, and will determine our next steps."	Not a member of SSUTA.	7/1/2019	\$100,000 in sales or 200 separate transactions

Washington	The Washington Department of Revenue indicated that it is reviewing the Supreme Court's ruling and "its impact on our current marketplace fairness laws. We do not believe that legislative action is needed based on RCW 82.32.733 and RCW 82.08.0254, but are still determining our options. As soon as a decision is made on any changes, we will post information about those changes on our Marketplace Fairness web pages."	Member of SSUTA.	10/1/2018	\$100,000 in sales or 200 separate transactions
West Virginia	West Virginia's governor has issued a statement that he currently does not support "adding additional taxes on our people in this manner." He added that "This is an issue for the Legislature, and legislation would have to be passed to authorize the state to enforce the collection of out-of-state sales taxes."	Member of SSUTA.	1/1/2019	\$100,000 in sales or 200 separate transactions
Wisconsin	The Wisconsin Department of Revenue issued a statement that "We are in the process of thoroughly reviewing and analyzing the decision" and will notify us when the process is complete.	Member of SSUTA.	10/1/2018	\$100,000 in sales or 200 separate transactions
Wyoming	The Wyoming Department of Revenue issued a statement that it is "currently reviewing the Supreme Court's decision to determine how this will apply to our Statutes and our ability to require collection." The Department highlighted the law's compliance with considerations outlined in Wayfair (sales threshold, not retroactive, SSUTA member). Statement, Wyoming Department of Revenue.	Member of SSUTA.	2/1/2019	\$100,000 in sales or 200 separate transactions

Compiled with the assistance of our friends at Thomson Reuters.
Updated as of 4/11/2019