



VENDOR MANUAL



Compliance through Education



State of Wyoming
Department of Revenue

Excise Tax Division



VENDOR MANUAL

Updated August 2007

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Authority

The Excise Tax Division of the Wyoming Department of Revenue administers sales/use taxes for the state of Wyoming, pursuant to Wyoming Statutes 39-15-101 through 39-16-311. The Department of Revenue Rules that accompany the sales/use tax statutes are Chapter 2 - Sales and Use Tax.

Message from the Administrator

Welcome to the Wyoming Department of Revenue Excise Tax Division. You are about to enter into a partnership with the Department to collect and remit sales and use taxes for the citizens of the State of Wyoming. The Department is committed to making the collection and remittance of sales and use taxes as simple and uncomplicated as possible for our vendors.

As part of this commitment we are providing you this vendor manual, which provides the basic instructions necessary to collect and remit sales and use taxes.

This manual is designed as a guide for you to comply with the sales and use tax laws of the State of Wyoming. We have made it our goal to provide you with the information and customer services you need to comply with the law. Please make use of these resources when you need them.

It is important for you to understand that this manual provides basic information regarding your responsibilities: It is not meant as the definitive answer to all questions that may arise. Please contact the Excise Tax Division or your local field representative with your questions.

The collection and remittance of sales and use taxes is a trust relationship between the citizens of Wyoming and you, the vendor. The citizens of Wyoming are entrusting you with the tax dollars they pay when purchasing your products and services. As a licensed vendor it is your responsibility to ensure that the proper tax is collected and then remitted to the state of Wyoming for distribution to the appropriate government entities. The Department will support you and provide whatever assistance you need in fulfilling this responsibility.

Please carefully read this manual. It contains valuable information which will make the collection and remittance of sales and use taxes as straightforward as possible. The Department is here to provide assistance when needed so please contact us when you have questions. We look forward to a pleasant working relationship with you and wish you luck in your endeavor.



Daniel W. Noble, Administrator
Excise Tax Division
Department of Revenue

Excise Tax Division Contact Information

The area code for all Wyoming telephone numbers is (307). Please call the Regional Service Area that serves your business' location for assistance with your account.

Main Telephone Number _____ 777-5200
FAX Number _____ 777-3632

Regional Service Area Numbers:

Region 1 _____ 777-5541

Serving Laramie, Sublette, Sweetwater and Uinta Counties in Wyoming. States of Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Kansas and Texas. Also District of Columbia.

Region 2 _____ 777-5542

Serving Big Horn, Campbell, Crook, Lincoln, Park, Teton and Weston Counties in Wyoming. States of Hawaii, Idaho, Kentucky, South Dakota, Virginia and West Virginia. Also Guam.

Region 3 _____ 777-5543

Serving Albany, Carbon, Converse, Goshen, Niobrara and Platte Counties in Wyoming. States of Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Nebraska, North Dakota, New Jersey, Oklahoma, Rhode Island, Tennessee, and Wisconsin.

Region 4 _____ 777-5544

Serving Fremont, Hot Springs, Johnson, Sheridan and Washakie Counties in Wyoming. States of California, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Vermont and Washington. Also Canada.

Field Representatives' Offices:

City	Street Address	Phone #
Casper	800 Werner Ct, Ste 145	266 - 3621
Cheyenne	122 W 25 th St, 2W	777 - 5211
Gillette	1901 Energy Ct, Ste 302	682 - 6061
Lander	277 Main St, Ste 2	332 - 3370
Laramie	121 E Grand Ave, Ste 212	742 - 4207
Powell	781 Lane 9	754 - 2686
Rock Springs	2441 Foothill Blvd, Ste 102	382 - 4531
Sheridan	303 S. Main St, Room 205	674 - 8559
Thayne	2788 Perkins Road 119	883 - 2934
Torrington	1618 East M Street	532 - 5566

Taxability and Exemption Inquiries _____ 777- 2459

Excise Tax Operations Manager _____ 777- 5203

Taxpayer Services Manager _____ 777- 5293

All Other Inquires _____ 777- 3745

Website _____ <http://revenue.wy.gov>

Introduction

Welcome from the Excise Tax Division of the Wyoming Department of Revenue. The purpose of this manual is to educate newly licensed vendors of their legal responsibilities as vendors and how to comply with those responsibilities. This manual is the first step in a continuum of education that is available to you. Other educational opportunities include:

- Reading our vendor newsletter, *Taxing Issues*. It is mailed to you on a quarterly basis with your return. A complete history of our newsletters is also available on our web site: <http://revenue.wy.gov>
- Reading taxability publications and bulletins available on our web site.
- Reading statutes and rules also available on our web site.
- Attending a tax education seminar.
- Submitting taxability questions specific to your business in writing for our written determinations.

In addition to website access, we have made copies of this publication and our rules available to public libraries, town halls and county treasurers throughout Wyoming. We also have field representatives throughout Wyoming. Should you have questions, you may contact us using the phone numbers shown on the previous page. You may also go to the "About Us" tab on our web site for key e-mail addresses to use to direct your questions to the applicable region or service area. You are our customer. We work to serve the state and to make the process as convenient as possible for you.

In this manual we address basic licensing issues, as well as, matters about collection and remittance of sales and use taxes. We explain the difference between sales and use taxes. We discuss how you document exempt transactions. We cover events that are taxable, as well as, those that are exempt. We talk about issues associated with refunds and compliance. Lastly, we have included important definitions and frequently asked questions. Where appropriate, the manual contains examples of sales/use tax calculations to aid your understanding of the subject matter.

What is sales/use tax?

Sales tax is an excise tax or tax on consumption which is applied to retail sales, leases of tangible personal property, admission fees and some services subject to taxation per Wyoming law. The purchaser pays the tax to the vendor. Vendors must have licenses and are responsible for collecting and remitting the tax to the state. To understand what is actually taxable, it is necessary to understand what tangible personal property is.

Tangible personal property is defined as property which is neither intangible personal property nor real property. It is personal property which may be seen, weighed, measured, felt, touched or which is in any other manner perceptible to the senses. Intangible property is property which represents value such as money, gold, silver, bank drafts, securities and other equity and debt instruments. Real property is land and the structures permanently affixed to the land.

Wyoming's state sales tax rate is four percent (4%). In addition, the 23 counties may impose two optional taxes, either for general or specific purposes. Each option tax is limited to a maximum of one percent (1%) and must be approved by a majority of the voters of that county. Wyoming law also allows cities, towns, and counties to impose a local option lodging tax of not more than four percent (4%). Finally, special resort districts may impose a sales tax of not more than one percent (1%).

Use tax is complementary to the sales tax and is applied to out-of-state purchases. Use tax helps to place Wyoming merchants on an equal footing with out-of-state vendors who are not required to collect Wyoming's sales tax. Please note there are some out-of-state vendors that are required to collect the Wyoming sales tax. Those purchases would not be subject to the use tax. Consumers making purchases outside the state must pay use tax if:

1. No sales tax is paid at the time of purchase. For example, if you make a retail purchase of tangible personal property in a state which does not impose a sales tax and the property is destined for storage, use or consumption in Wyoming, you owe use tax at the rate in effect in the county where you use, consume or store the property. For example, you purchase a computer in another state for use in your office in Wyoming.
2. The sales tax paid to another state was at a

lower tax rate than the rate in effect in the Wyoming county of usage. For example, you pay 4% sales tax on a retail purchase of tangible personal property in a state other than Wyoming. The use tax rate in effect in the county where you'll use your purchase is 6%. You owe 2% use tax on that purchase to Wyoming. You must remit this use tax amount directly to the Excise Tax Division of the Department of Revenue in Cheyenne. As a licensed vendor, you must report your use tax liability on your tax remittance form (i.e., Form 10, 11 or 17).

Who must license as a vendor?

Any person who meets the following definition of vendor must license to collect and remit sales tax. Wyoming Statute (W.S.) 39-15-101(a)(xv) states:

"Vendor" means any person engaged in the business of selling at retail or wholesale tangible personal property, admissions, or services, which are subject to taxation under this article. "Vendor" includes a vehicle dealer as defined by W.S. 31-16-101(a)(xviii).

How do I collect/accrue sales/use tax?

Sales tax is due at the end of the month following the month of sale, regardless of how consideration is received. Understand that the assumption of debt by the vendor is consideration and tax is due on these accounts.

Determining the proper rate to charge

The Wyoming Statutes require sales tax to be collected on any retail sales of tangible personal property, taxable admissions and for the sale of specifically identified taxable services in this state. We will first address sales of tangible personal property followed by sale of services. A sale is deemed to have occurred when "title or possession" passes for consideration. In determining the appropriate tax rate to charge you must determine where "title" to the property or "possession" of the property passes from the seller to the buyer.

The time and place of sale shall determine the applicable tax rate to charge on your sales. Any sales that are made at the vendor's business location are taxed at the rate in effect in the county (or resort district) of the vendor. If the vendor is

required as part of the sales transaction to ship the property sold to the purchaser located in another county of Wyoming, the appropriate tax to be charged is the tax rate in effect in the county of the purchaser. If the property is required to be shipped by the vendor to a location outside the state of Wyoming, sales tax is not due in Wyoming. The state of Wyoming views this as an interstate sale and is subject to the applicable taxes in the state where the property is destined.

For services performed for consideration the rate in effect in the county where the services are physically performed shall be the applicable rate to charge. The determination of the appropriate rate to charge is critical to the accurate collection of sales tax. If you are unsure of the appropriate rate to collect please contact us at the Excise Tax Division for clarification.

Accruing or collecting the tax

In short, you must accrue sales tax on retail sales of tangible personal property, taxable admissions and certain services (see the section entitled "What Is Taxable?" for a detailed list of taxable transactions). The tax can be calculated in two ways, depending on whether the price presented to the purchaser includes the sales tax or not.

NOTE: The only exception to the general rule above is the sale of cars, trucks and trailers. The county treasurer collects sales tax on the sale of a car, truck or trailer at the time of first registration by the new owner. However, motorcycles, mopeds, ATVs and snowmobiles are taxed by the vendor at the point of sale.

*Computing the tax when the price **excludes** sales tax*

The tax is calculated by multiplying the sales price by the tax rate in effect in the county of delivery. For example, in a county with a 5% sales tax rate, a sales price of \$145.00 (excluding sales tax) amounts to \$7.25 in sales tax. The vendor will collect a total of \$152.25, of which \$7.25 is forwarded to the Department of Revenue. Please see illustration on the next page.

Sales tax accrued by vendors must be separately stated on invoices when the tax is excluded from the sales price.

Tax Calculation	Total Charge Calculation
Sales Price: \$145.00	Sales Price: \$145.00
Tax Rate: x .05	Sales Tax + 7.25
Sales Tax = \$7.25	Total = \$152.25

Computing the tax when the price **includes** sales tax and an invoice is not typically provided as part of the sales transaction.

The tax is calculated by first identifying the sales price excluding tax, and then subtracting it from the total amount collected. To find the price excluding tax, the vendor must divide the total amount collected by one hundred percent plus the tax rate in effect in the county of delivery. For example, in a county with a 5% sales tax rate, a price of \$152.25 (including sales tax) amounts to \$7.25 in sales tax. The vendor will collect a total of \$152.25, of which \$7.25 is forwarded to the Department of Revenue. Please see illustration below:

If the vendor includes the sales tax in the price, there must be wording on the ticket, menu or signage indicating that fact.

Sales Price Excluding Tax:	Total Charged: \$152.25	
	-----	= \$145.00
Tax:	1 + Tax Rate: = 1.05	

Sales Tax Collected: \$152.25 - \$145.00 = \$7.25

How do I remit sales/use tax?

All licensed vendors must remit sales/use tax that they have accrued or collected for the filing period identified on their tax return. All licensed vendors are required to file a tax return based on their established filing frequency; even if there is no tax liability due. If no sales have been made during the filing period and no tax was collected, the vendor must file a tax return reflecting zero sales and zero tax collected.

Which form do I use?

Sales tax accrued or collected by licensed vendors is remitted to the Department of Revenue via Forms 10, 11 and 17 sales/use tax returns. These forms are pre-printed with the vendor's "Doing Business As" (d/b/a) name, ownership, address, license number, filing period, and due date. A barcode on the form identifies the particular filing. The returns are mailed or posted on the internet

filing system (WYIFS) 30 days prior to the due date of the return.

Should you not receive your original paper return or it is misplaced or destroyed please contact your service region for a replacement return prior to the due date. Please understand that as a vendor you are required to file *your* return timely. Not receiving a return does not excuse you of the liability. You must contact the Department for a replacement form.

Form 10: For licensed vendors with one location in the State and lodging vendors regardless of the number of locations within the state. If you have a physical location within the state, report use tax on line seven (7). (License numbers start with the county designator "01" through "23.")

Form 11: A reporting form for vendors with multiple locations within the State, a consolidated return, and out-of-state vendors who ship into the State. Please use section 4B to report use tax. (License numbers start with "24" or "25.")

Form 17: For vendors within an approved resort district. Report use tax on line seven (7).

Please follow the instructions included with your return when completing your return.

Internet filing: The Excise Tax Division offers an internet filing option (WYIFS) for vendors who have access to the internet and want to avoid the paperwork associated with paper returns and checks. Vendors who want to file their returns over the internet should contact the Excise Tax Division and request an internet filing agreement. Vendors can also obtain a copy of this agreement from our website: <http://revenue.wy.gov>

How often do I file my return?

The estimated sales volume you declare on your Wyoming Sales/Use Tax License Application will initially determine your filing frequency. The sales volume will be used to calculate the tax amount you are likely to collect each month.

Quarterly filing
\$0.00 - \$150.00 in collected tax per month.

Monthly filing
More than \$150.00 in collected tax per month.

Your filing frequency will change if your taxable sales increase or decrease significantly.

What is taxable?

W.S. 39-15-103 imposes the sales tax to the **sales price paid** in the following transactions in all but one situation. The exception is for leases where the sales tax applies to the **gross rental paid**. The following transactions are taxable unless a specific exemption found at W.S. 39-15-105 offsets the taxable event, or the purchaser provides a copy of their direct pay permit. Details on documentation for exemptions and direct pay authority are addressed later. Our statutes are found on our web site.

Taxable events

- All retail sales of tangible personal property in Wyoming (includes cigarettes, other tobacco products, and alcoholic beverages).
- Leases or contracts transferring possession of tangible personal property in Wyoming.
- Intrastate telephone, two way mobile telecommunications, and telegraph services and associated equipment.
- Intrastate transportation of passengers.
- Gas, electricity, or heat for domestic, industrial, or commercial use.
- Meals and cover charges where meals are regularly served to the public.
- Lodging services for transient guests.
- Admissions to places of amusement, entertainment, recreation, games, or athletic events.
- Services which repair, alter, or improve tangible personal property.
- Services within oil and gas well sites, as set forth in W.S. 39-15-103(a)(i)(K).
- Motor vehicles, house trailers, trailer coaches, trailers, or semi trailers.
- Computer hardware and system software.

Sales tax applies to all taxable admissions, services or retail sales of tangible personal property unless the purchaser provides the vendor a Streamlined Sales and Use Tax Agreement Exemption Certificate or a Direct Pay Permit at the time of purchase. **Vendors are liable for the sales tax on any retail sale that is not documented by the purchaser as exempt or by direct pay authority.** Exemption Certificates are available from the

Department of Revenue or can be downloaded from our web site.

What is not taxable (exemptions)?

W.S. 39-15-105 lists those sales and leases that are exempt from sales tax. Please note that exemptions are construed narrowly. Exemptions are legislative acts of grace from the normal rule of taxability. It is the responsibility of the purchaser to be certain an exemption is available. It is the responsibility of the vendor to be certain that the purchaser's exemption is documented. By law, vendors must retain copies of exemption certificates and direct pay permits of exempt transaction for audit purposes.

The list below identifies five of the most common sales tax exemptions in Wyoming. This list is far from complete. For the full list of sales tax exemptions see W.S. 39-15- 105 on our web site.

- Sales to governmental entities, including federal agencies, state agencies, counties, cities and towns, school districts and other special purpose districts.
- Sales of farm implements.
- Sales of livestock, feed for livestock or poultry for marketing purposes and seeds, roots, bulbs, small plants and fertilizer planted or applied to land, the products of which are to be sold.
- Wholesale sales made to a licensed retailer and held in inventory for resale. Please note: **Vendors who purchase for resale and subsequently remove inventory for their own use are liable for sales tax on the cost of the inventory removed.**
- Sales made to religious or charitable organizations, including nonprofit organizations providing meals or services to senior citizens, for the regular functions and activities of the same. **Please note: Sales made to religious or charitable organizations require a revenue identification number issued by the Department of Revenue, in addition to the Exemption Certificate.**

As of July 1, 2007, Wyoming law contained 13 statutes imposing sales tax; it also provided for 48 sales tax exemptions. We have created an exemption matrix to accompany the Exemption

Certificate. The matrix briefly describes each of Wyoming's exemptions, and lists how to properly complete the Exemption Certificate to meet vendor record retention requirements.

How do I document exempt sales?

To properly document an exempt sale you must obtain from your purchaser one of the following:

- A properly completed Exemption Certificate, or:
- A direct pay permit. A direct pay permit looks like a sales tax license. These permits allow the purchaser to pay applicable Wyoming sales tax directly to the Department rather than to the selling vendor from whom purchases are made. Such permits are available to purchasers making \$5,000,000 or more in purchases per calendar year. Eligible businesses must apply and be approved direct pay status by the Department Director.

In the absence of these documents you must charge sales tax on the transaction(s).

How do I get a refund for taxes over-remitted?

A refund of over-remitted taxes must be requested within three years of the date the taxes were due. An over-remittance can come about two ways: 1) A vendor discovers a report for a specific prior month overstated sales, or 2) a customer returned an item purchased prior to the current month.

In either case, the return for the time period the sales were over-reported, or for the time period the original sales transaction of the item being returned was reported, must be amended. By amending the return you will reduce the amount of sales made and tax owed, thereby creating a credit on your account.

You must either call or write the Excise Tax Division to request a Wyoming Sales/Use Tax Return for the reporting period you need to amend. The amended return must be completed in its entirety and must reflect the amended figures. Please make sure your calculations are correct, as the figures reported on the amended return will replace all figures reported on the original return. Please write "Amended" at the top center of the form under "Wyoming Vendor Sales/Use Tax Return."

Once the amended return is received and processed, you will receive a credit notice. Thereafter, a credit will be available for use on a current return or refunded within 90 days of the vendor's written request. The quickest way to utilize the credit is to apply the credit to your next return on the adjustments line. If you wish to have the money refunded to you directly, please attach a written request to the amended return. To support your figures, you must keep backup documentation for three years from the date you submitted the amended return.

How do I report changes in my business?

Generally, any changes in your business structure must be reported to the Department of Revenue. This avoids future problems and potential liabilities. Depending on the type of change different actions must be taken. The following business changes require the prescribed action:

Mailing address change

This change can be accomplished one of three ways:

- Note the change on the bottom of your next return in the designated boxes.
- Fax a notification signed by the owner, the owner's designee, a partner or corporate officer to (307) 777-3632 stating the license number, date of change, and the new mailing address.
- Mail a letter signed by the owner, the owner's designee, a partner or corporate officer stating the license number, date of change and the new mailing address.

Location address change

Business relocates within same county: This change can be accomplished one of three ways:

- Note the change on the bottom of your next return in the designated boxes.
- Fax a notification signed by the owner, the owner's designee, a partner or corporate officer to (307) 777-3632 stating the license number, date of change and the new location address.
- Mail a letter signed by the owner, (owner is designee, a partner or corporate officer) stating the license number, date of change and the new location address.

Business relocates to a different county

Moving your business from one county to another requires re-licensing in the new county and canceling your current license. Use the following instructions:

- Note the change of "business location" on the bottom of your next return in the designated boxes; or
- Fax a notification signed by the owner, the owner's designee, a partner or corporate officer to (307) 777-3632 stating the license number, date of change and the new location address; or
- Mail a letter signed by the owner, the owner's designee, a partner or corporate officer stating the license number, date of change and the new location address.
- You must complete a new application for licensing in the new county and pay the \$60.00 non-refundable fee.
- You must cancel your existing license as of the date of the new application. See instructions for "cancellation of license" on page 10.

Adding a new business location

Each business location must have a separate license.

Ownership change

Ownership changes can occur several ways:

- Sale of the business: It is important that the seller notify us of the new business entity. The seller will need to note this information on the bottom of his current return in the designated area. The seller may also fax or mail us the information. We will cancel the seller's license as of the date entered on that return, the fax or the mailed notice. We will mail the new owner(s) an application if they have not already applied for a license.

NOTE: *Should the seller of the business fail to notify the Department of the sale of their business and fail to comply with the sales/use tax statutes, the seller will be held liable for any sales/use tax liability.*

- Change of partners in a simple partnership: A

simple partnership consists of two or more people. When a partner leaves a partnership, it is dissolved and you must cancel the current license and re-license with the names of the new and/or remaining partners. Re-licensing requires the payment of the \$60.00 non-refundable application fee.

If a partnership is reorganized as a different type of entity, the partnership is dissolved and you must cancel the current license and re-license under the new ownership form. Re-licensing requires the payment of the \$60.00 non-refundable application fee.

A partnership does not survive the death of a partner. You must notify us and apply for a new license under the new ownership. Upon receipt of the death certificate, the \$60.00 licensing fee will be waived.

NOTE: *Should the partners fail to notify the Department of a change in the partnership and fail to comply with the sales/use tax statutes, the partners will be held liable. This could include a lien, referral to the external collection agency, and/or legal action. All of the efforts to collect the debt will be directed toward each partner listed on the current license.*

- Changes in LLCs and Corporations or other legal entities: You must notify us when officers or members change. The business does not need to be re-licensed, as the ownership of the license remains the same. **However, if your Federal Employer Identification Number (FEIN) changes, you must re-license under the new ownership.**

Acquiring a liquor license

When you apply for a liquor license, you must list the business ownership and d/b/a information exactly as it appears on your current sales tax license. If you do not currently have a sales tax license but are making application for one, you must make sure the ownership and d/b/a data are identical on both applications.

Changes in taxable sales

The Department shall assign vendors a filing frequency at the time of licensing. Filing frequency assigned by the Department shall be monthly or quarterly. Filing frequency may be

changed by the Department based on the volume of sales/use tax collected and other criteria as established in policy and procedure guidelines. Any vendors with a quarterly filing frequency must notify the Department if during any calendar quarter they collect over \$600 in sales/use tax.

Informational changes

The following changes require information updates to the Department:

- Contact person
- Types of items you sell or services you provide
- Phone numbers
- Tax preparer
- Mailing address changes
- Physical location of the business

The path to compliance

These are the steps vendors should take to ensure they stay on the path to compliance with the Wyoming Department of Revenue.

Step 1. File and pay all tax returns timely.

- Returns are mailed or posted on the internet filing system (WYIFS) by the first week of the month the taxes are due. If you have not received your return by the 15th of the month, please call the Department so we can mail or re-post a duplicate return.
- Monthly Filers: Due on or before the last day of the month following the month the sales/purchases were made.
- Quarterly Filers: Due on or before the last day of the month following the quarter the sales/purchases were made.

NOTE: If any of the above due dates fall on a weekend or legal holiday, the due date is the next business day.

Step 2. If your return is filed late.

- Pay the tax and all the penalties and interest due with the return (see instructions for calculating penalty and interest).
- Any billings received from the Department need immediate attention.

Step 3. If you are unable to remit the taxes due:

- File the return(s) due so the true liability can be established on your account.
- Send a request for a payment plan application

with the return(s) due.

NOTE: The Department will file a lien on any business whose request for a payment plan is approved.

Step 4. Pay all payment plan payments and all current taxes by the due date.

Step 5. Please call the Department if you have any questions or problems with your account. The number is (307) 777-5200.

If you are unable to follow these steps your account will be referred to the Delinquent Vendor Program.

How do I cancel my license?

Several situations require canceling your license:

- Moving your business out of state
- Moving to another county
- Sale of your business
- Closing the business
- Changes of business ownership

You must notify the Department of Revenue to cancel your sales tax license.

You can do so one of several ways:

- At the bottom of the page on your final return you complete the line that asks, "Has your business permanently closed or has your business changed ownership?" Enter the date of closure or change in ownership.
- You may fax the information to the Department of Revenue at (307) 777-3632. You will need to include the date of actual closure in your notification.
- On our web-site (<http://revenue.wy.gov>) you may print the form "Certificate of Discontinuance of Business" and complete and return it. If you do not have access to the internet you can request it from the Department of Revenue or obtain a copy from your local field office.

Definitions

For a complete list of definitions and the full text, please review our statutes and rules on our web site. The following are selected definitions and/or condensed versions of the full text.

Sales tax definitions:

“Lodging service” means the provision of sleeping accommodations to transient guests and shall include providing sites for the placement of tents, campers, trailers, mobile homes or other mobile sleeping accommodations for the transient guests.

“Real property” means land and appurtenances, including structures affixed thereto. An article shall be considered real property if it is buried or embedded; or it is physically or constructively annexed to the real property and it is adapted to the use of the real property, and considering the purpose for which the annexation was made, one can reasonably infer that it was the intent of the annexing party to make the article a permanent part of the real property.

“Retail sale” means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

“Sale” means any transfer of title or possession in this state for a consideration.

“Sales price” means the total amount or consideration, including cash, credit, property and services for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

- The seller's cost of property sold.
- The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller and any other expense of the seller.
- Charges by the seller for any services necessary to complete the sale other than delivery and installation charges.
- Delivery charges.
- Installation charges.
- The value of exempt personal property given to the purchaser where taxable and exempt personal property have been bundled together and sold by the seller as a single product or piece of merchandise.

“Tangible personal property” means all personal property; that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. “Tangible personal property” includes electricity, water, gas, steam and

prewritten computer software; and includes any controlled substances as defined by W.S. 35-7-1002(a) (iv), which are not sold pursuant to a written prescription of or through a licensed practitioner as defined by W.S. 35-7-100L(a)(xx).

“Taxpayer” means the purchaser of tangible personal property, admissions or services, which are subject to taxation under this article.

“Transient guest” means a guest who remains for less than thirty (30) continuous days.

“Vendor” means any person engaged in the business of selling at retail or wholesale tangible personal property, admissions, or services, which are subject to taxation under this article. “Vendor” includes a vehicle dealer as defined by W.S. 31-16-101(a)(xviii).

“Wholesale sale” means a sale of tangible personal property or services to a vendor for subsequent sale.

Use Tax Definitions

“Retail sale” means the sale of tangible personal property to a person for storage, use or consumption and not for subsequent resale.

“Storage” means the keeping or retention in this state of tangible personal property purchased from a vendor for any purpose except for sale in the course of business or subsequent use outside the state.

“Use” means the exercise of any right or power over tangible personal property incident to ownership or by any transaction where possession is given by lease or contract.

Frequently asked questions

How do I calculate Sales/Use Tax?

To calculate sales or use tax you multiply the tax rate in effect in the county when and where the sales took place times the amount of sales.

Example: You sold \$7,653.00 worth of merchandise in Teton County in January 2007. The tax return was due February 28, 2007, but you did not report and pay the taxes until July 2007. Teton County's tax rate is 6%. The calculation of tax due:

\$7,653.00	Taxable Sales
<u>x 6%</u>	<u>Tax Rate</u>
\$459.18	Tax Due

Therefore on taxes due on the \$7,653.00 sale made during the month of January 2007 but not reported or paid until July 31, 2007 you owe:

\$ 459.18	Taxes Due
\$ 45.92	Penalty for Late Payment
\$ 35.00	Penalty for Late Filing
<u>\$ 13.73</u>	<u>Interest for 152 Days</u>
\$ 553.83	Total Due

How do I calculate penalties for late payment?

There are two penalties that may be applied to late payment of taxes due. First, there is a penalty for failure to remit the tax due in a timely manner. This penalty is equal to 10% of the tax due. Continuing the example above, the late payment penalty is \$45.92, computed as follows:

When does the Department send my return?

Sales tax returns are mailed or posted on the internet filing system (WYIFS) approximately 30 days prior to the due date of the return.

\$ 459.18	Tax Due
<u>x 10%</u>	<u>Late Payment Penalty</u>
\$ 45.92	Late Payment Penalty Due

How do I amend a paper return?

Contact your local field office or the Cheyenne office to request a new return for the period(s) you wish to amend. Only returns with due dates within three years of the amendment's postmark date can be accepted.

The other penalty is for failure to file the tax return in a timely manner. If you do not file your tax return by the due date, there is a penalty of \$10.00, regardless of whether any tax is due. If you do not file your tax return within 30 days of notice from the Department of the failure to file, you will receive a second notice. In that instance, there is an additional penalty of \$25.00. Thus, the penalty in this example is \$35.00, as follows:

What happens if my return is rejected?

A rejection notice will be sent to you shortly after we receive your improperly completed return. The notification will explain why the return was not accepted. A new return will be enclosed. If a payment was sent with the original return it will be in pending status with the Department awaiting the corrected return. Complete the new return in its entirety and resubmit it within 15 days of the notice. Please ensure that all information is correct and sign the return.

\$10.00	For not filing by 2-28-2007
<u>\$25.00</u>	<u>For not filing by 4-10-2007</u>
\$35.00	Total late filing penalty

How do I calculate interest due for late remittance?

How is my filing frequency determined?

See the discussion of this question on page 6 and 7.

The State Treasurer annually establishes the interest rate used to calculate interest on late remittance of taxes. This rate will be reflected on your notice as a daily interest rate. Use this rate to calculate the interest you owe. Multiply the daily rate by your tax due and multiply that result by the number of days your payment is late.

How do I request an extension of the due date?

The Department may grant extensions of filing due date under limitations specified in statutes W.S. 391 5-1 0 7 (a) (i) and W.S. 39-16-107(a)(iii) if extenuating circumstances exist which prevent you from filing in a timely manner.

Continuing with the example above: For the \$7,653.00 in sales made during the month of January 2007, the return and payment would be due by February 28, 2007. If you did not file your return or remittance until July 31, 2007, your January return would be 152 days late. Here is the computation of interest due:

\$459.18	Tax Due
x <u>.0001967</u>	Daily Interest Rate
\$ 0.09	Interest Due for One Day
<u>x 152.00</u>	<u>Days Payment is Late</u>
\$ 13.73	Interest Due

Requests for extension must be made in writing to the Excise Division Administrator and must thoroughly explain the reason for the request. All requests must include an authorized signature and vendor license number.

How do I request a penalty waiver?

Penalties can be waived in extenuating circumstances. Make your request in writing to the Excise Division Administrator explaining the circumstances supporting your request. All requests must include an authorized signature and vendor license number.

How can I file my returns via the Internet?

There are two ways to get on-line filing authorization. You may contact the Department to obtain the Web Filing Agreement, or you can download the form from our web site. Once we receive the signed agreement, you will receive confirmation and instructions on Internet filing.

What are the procedures to wire a payment?

Give the following information to your bank:

Remit to: Wells Fargo Bank N.A.
Routing #: 21000248
Account #: 5454302091

The wire must reference the remitter's name, sales tax license number, and list the payee as Wyoming Department of Revenue.

Do you accept credit card payments?

Not currently.

What is the fee for remitting an NSF check?

The initial fee for issuing a check with insufficient funds is \$30.00. If the sum of the check's face amount and the \$30.00 fee is not paid within 30 days of notification, the amount due is three times the face value of the check or \$100.00, whichever is greater, plus the \$30.00 fee. In addition to the fee for the NSF check, penalties and interest will accrue on the unpaid balance of your account, per the discussion on page 12.

When am I required to obtain an exemption certificate from my purchaser(s)?

At the time of a sales transaction you, as a vendor, are required to obtain the Exemption Certificate from any and all purchasers claiming a tax exemption. (See pages 7 and 8 for a discussion of exemptions). The certificate documents why tax was not collected on a specific sale. Review the form

instructions and ensure that the purchaser completes all applicable fields and signs the certificate. To be considered valid, the certificate must be completed and signed. The certificate is good until canceled by the purchaser.

How do I use the Exemption Certificate?

As a purchaser, you will have to provide your suppliers with an Exemption Certificate in order to declare any tax exemption available on your purchases. Note that the Exemption Certificate cannot be used for goods you are purchasing for your own consumption. Also note that you are not allowed to claim an exemption for another company or entity. For example, if you are doing work for an exempt organization, only the purchases of that organization are exempt. Your purchases, though intended for use by the exempt organization, would not be exempt.

What do I do if the customer claims to be exempt, or refuses to pay the tax?

If a customer claims to be exempt from paying the tax, provide an exemption certificate and ask the customer to complete it. If the customer chooses not to complete the certificate, the tax is due.

Understand that both parties to the transaction are equally liable for payment of a legally imposed sales tax. Refusal of the customer to pay the sales tax due on a taxable transaction does not relieve the seller from the liability.

What do I use as my exemption number?

The Department does not issue exemption numbers per se. Your sales tax license number must be listed on an Exemption Certificate in order to claim a purchase for resale. Please note, there are some governmental entities that will not have a license number or Revenue Identification Number (RID) but are availed of the exemption for political subdivisions of the State of Wyoming by their name only.

Do you have a toll free number?

Not currently. Please refer to the contact information directory on page 3.

Taxpayer Rights

W.S. 39-11-102. Administration; Confidentiality;
Department of Revenue:

(a) Taxpayer rights. The following provisions shall apply to this act:

- (i) The department shall publish and make available a list of taxpayer rights in the area of state tax administration and collection, written in plain language, which includes the following rights:
 - (A) A right to taxpayer information services including a location where taxpayers may request copies of public records or obtain explanations of billings and information about their rights and responsibilities;
 - (B) A right to assurance that no employee of the state shall receive a bonus, be promoted or in any way rewarded on the basis of the amount of assessments or collections from taxpayers;
 - (C) A right to confidentiality as to records protected against disclosure by statute;
 - (D) A right, if a tax has accrued penalty and interest because the taxpayer relied on erroneous written information or written answers from the state, that the penalty and interest shall not be assessed, provided that the pertinent facts and circumstances disclosed by the taxpayer were substantially correct and complete;
 - (E) A right to enter into installment payment agreements on tax assessments for tax liabilities where repayment requirements are met and where payment in a lump sum would cause severe inconvenience to the taxpayer;
 - (F) A right to assessment notices that describe in plain terms the basis for assessments and describe the procedures for appeal.
 - (ii) Any taxpayer may bring an action to enjoin any violation of the rights provided by paragraph (i) of this subsection. The list of taxpayer rights and enforcement provisions provided in this section are supplemental to other rights provided by law.

Field Representative Form

The following "check list" indicates that I have visited with the below named Vendor. The topics in this Manual we discussed are checked off accordingly:

- Authority.....2
- Contact Information3
- Introduction4
- What is sales/use tax?4
- Who must license as a vendor?5
- How do I collect/accrue sales/use tax?5
- How do I remit sales/use tax?6
- Which form do I use?6
- How often do I file my return?6
- What is taxable?7
- What is not taxable (exemptions)?7
- How do I document exempt sales?8
- How do I get a refund for taxes over-remitted? 8
- How do I report changes in my business?8
- The path to compliance10
- How do I cancel my license?10
- Definitions10
- Frequently asked questions11
- Taxpayer rights14
- Field Representative Form14

License Number

Date of Visit

Field Representative Signature

Vendor Signature

Business Name, Please Print Clearly