
DEPARTMENT OF STATE REVENUE
Commissioner's Directive #28
September 2006
(Replaces Commissioner's Directive dated July 2005)

DISCLAIMER: Commissioner's Directives are intended to provide non-technical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Amnesty Provisions for Sellers Registering to Collect Indiana Sales Tax under the Streamlined Sales Tax Program

INTRODUCTION

In March 2000, a collection of states joined forces to sponsor a national sales tax initiative—the Streamlined Sales Tax Project ("SSTP"). The SSTP represents an effort on the part of its member states to "simplify and modernize sales and use tax collection and administration." To that end, the Streamlined Sales Tax Implementing States ("SSTIS") developed the Streamlined Sales and Use Tax Agreement ("Agreement"). Member states were encouraged to adopt legislation conforming to the Agreement.

AMNESTY

It is the policy of the Indiana Department of Revenue to provide amnesty for uncollected or unpaid sales or use tax to a seller who registers to pay or to collect and remit applicable sales or use tax on sales made to purchasers in the state in accordance with the terms of the Streamlined Sales Tax Agreement, provided that the seller was not so registered in Indiana in the twelve-month period preceding the effective date of Indiana's participation in the Agreement.

The amnesty will preclude assessment for uncollected or unpaid sales or use tax together with penalty or interest for sales made during the period the seller was not registered in Indiana, provided registration occurs within twelve (12) months of the effective date of Indiana's participation in the Agreement. Amnesty will also be granted to a seller using a certified service provider (CSP) or a certified automated system (CAS) if the seller registers within twelve months from June 1, 2006.

The amnesty is not available to a seller with respect to any matter or matters for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes.

The amnesty is not available for sales or use taxes already paid or remitted to the Indiana Department of Revenue or to taxes collected by the seller.

The amnesty is fully effective, absent the seller's fraud or intentional misrepresentation of a material fact, as long as the seller continues registration and continues payment or collection and remittance of applicable sales or use taxes for a period of at least thirty-six months. ***(Each member state shall toll its statute of limitations applicable to asserting a tax liability during the thirty-six month period.)***

The amnesty is applicable only to sales or use taxes due from a seller in its capacity as a seller and not to sales or use tax due from a seller in its capacity as a buyer.

If you have further questions concerning registration under the amnesty provisions of the Agreement, contact the Department at (317) 232-8054.

John Eckart
Commissioner

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