

DEPARTMENT OF STATE REVENUE

Information Bulletin #80
Sales Tax
November 2014
(Replaces Information Bulletin #80 dated June 2012)
Effective Date: Upon Publication

SUBJECT: Assessment of Retail Sales Tax Liability for Certain Sellers Registered Under the Streamlined Sales and Use Tax Agreement (SSUTA)

REFERENCES: [IC 6-2.5-11-3](#); [IC 6-2.5-11-10](#); [IC 6-2.5-11-11](#); [IC 6-8.1-5-1](#)

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SUMMARY OF CHANGES

Aside from nonsubstantive, technical changes, this bulletin is changed to clarify that a seller relying on incorrect information contained in the taxability matrix will not be liable for tax for the first 30 days after a change in the taxability matrix.

This information bulletin clarifies when the department may assess a retail sales tax liability for a seller registered under the SSUTA based on the seller's failure to timely file its retail sales tax return, if the seller has no legal requirement to register with Indiana. This notice also clarifies when the department may provide liability relief following the department's change to the state's taxability matrix.

The department has broad authority to assess estimated tax liabilities where returns are not filed ([IC 6-8.1-5-1](#)). State law further provides the legislative intent that the administration and collection of state sales and use taxes be interpreted and applied consistently with the SSUTA ([IC 6-2.5-11-3](#)).

SSUTA provides that, prior to establishing a retail sales tax liability based solely on the seller's failure to timely file a return, member states will give at least 30 days notice for a seller to file its return if the seller is registered under the SSUTA and has no legal requirement to register with Indiana.

Accordingly, the department provides the sellers described above with no less than 30 days notice, during which these sellers may file their returns, prior to establishing a retail sales tax liability based solely on the failure to timely file a return.

The department further provides relief from liability to the state to sellers for having charged and collected the incorrect amount of sales or use tax resulting from the seller or certified service provider relying on erroneous data provided by the department in the taxability matrix. If the department amends an existing provision of its taxability matrix, the department shall, to the extent possible, relieve sellers and certified service providers from liability to the state until the first day of the calendar month that is at least 30 days after notice of a change to Indiana's taxability matrix was submitted to the Streamlined Sales and Use Tax Governing Board, provided the seller or certified service provider relied on the prior version of the taxability matrix.

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Commissioner

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