CASUAL SALES & USE TAX

JANUARY 14, 2016

Casual Sales & Use Tax Rule 810-6-1-.33

- (1) Other than the exception noted in (3) below, casual or isolated sales by persons not engaged in the business of selling are not required to be reported to the Department of Revenue by the provisions of the Sales Tax Law.
- ▶ (2) Other than the exception noted in (3) below, tangible personal property purchased outside Alabama from a person not engaged in the business of selling is not subject to use tax when brought into this state for use, storage, or consumption.
- ▶ (3) Casual sales of automotive vehicles, motorboats, truck trailers, trailers, semitrailers, travel trailers, and manufactured homes are subject to sales or use taxes pursuant to the provisions of Section 40-23-100, et. seq., Code of Alabama 1975. See Sales and Use Tax Rule 810-6-5-.11.05. (Readopted through APA effective October 1,1982, amended February 23, 1988, amended October 30, 1993, amended October 4,1994)

Casual Sales & Use Tax Section 40-23-101(a) & 40-23-102(a)

Section 40-23-101(a)

(a) There is hereby levied and shall be collected as herein provided a sales tax upon every person, firm, or corporation purchasing within this state, other than at wholesale, any automotive vehicle, motorboat, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed with the judge of probate of any county in this state from any person, firm or corporation that is not a licensed dealer engaged in selling automotive vehicles, motorboats, truck trailers, trailers, semitrailers, or travel trailers in an amount equal to two percent of the purchase price.

Section 40-23-102(a)

(a) There is hereby levied and shall be collected as herein provided, in lieu of the excise tax levied by subsection (c) of Section 40-23-61, an excise or use tax upon every person, firm, or corporation purchasing outside the state, other than at wholesale, any automotive vehicle, motorboat, truck trailer, trailers, semitrailer, or travel trailer, required to be registered or licensed with the judge of probate of any county in this state for use, storage, or other consumption within this state a tax in an amount equal to two percent of the purchase price.

Casual Sales & Use Tax Section 40-23-104 (a)

- (a) The licensing official shall collect all of the following:
- ▶ (1) The taxes levied by this article.
- ▶ (2) The municipal gross receipts or sales taxes and county sales taxes authorized by general or local law on sales made by a person or firm other than a licensed dealer.
- (3) The municipal and county use taxes authorized by general or local law on sales made by dealers doing business outside the State of Alabama and on sales made by licensed Alabama dealers where municipal and county sales taxes were not collected at the time of purchase.
- ▶ (4) The state use tax on any such automotive vehicle, motorboat, truck trailer, trailer, semitrailer, or travel trailer required to be registered or licensed by the judge of probate.

Casual Sales & Use Tax Section 40-23-104 (b)

▶ (b) The licensing official shall require, as proof of the purchase price of the automotive vehicle, motorboat, truck trailer, trailer, semitrailer, or travel trailer to be taxed, when purchased from a licensed dealer in this state, documentation of the price upon which any state, county, or municipal sales tax was paid and which reflects the amount of such state, county, or municipal sales tax paid and any other evidence of the purchase price as shall be prescribed by the Department of Revenue. All licensed dealers in this state shall furnish to the purchaser of any of the vehicles documentation showing the amount and rate of sales or gross receipts tax collected at the time of purchase for the state and for the municipality and county where the sale was made.

Casual Sales & Use Tax Section 40-23-107

▶ For making the collection of taxes levied under authority of this article, the licensing official shall be entitled to a fee in an amount equal to five percent of all revenue collected under this article each month. The fee shall be for the use of the licensing official. The fee shall be deducted from the tax collections each month and the remainder of the collections shall be remitted to the Department of Revenue. Notwithstanding the foregoing, the fee shall be disallowed unless the collections are remitted to the Department of Revenue within the time allowed by law. In all counties where the licensing official is paid on a salary instead of a fee basis, all fees allowed under the terms of this section to be paid to the licensing official shall be paid, by the licensing official, into the county treasury, or to the official performing the duties of county treasurer.

(Acts 1981, No. 81-665, p. 1086, §8; Acts 1994, No. 94-622, p. 1162, §7.)

Casual Sales & Use Tax Return Due Date

▶ Returns and remittances must be filed on or before the 20th day of the month for the previous month's collections. (Example: December 2015 collections are due by January 20, 2015) If paying via electronic funds transfer (EFT), the EFT payment information must be transmitted by 4:00 p.m. Central Standard Time. There is no preregistering to make an electronic payment using the EFT ACH Debit Method. If you choose to pay using the EFT ACH Credit method, you must pre-register with Alabama Department of Revenue EFT Unit. There is not an extra 10 days for filing in October, November, and December.

- What to do if a licensed Alabama dealer does not itemize the bill of sale?
 - ▶ The purchaser should be sent back to the seller to get a proper bill of sale/sale invoice which separately lists the amount of state, county and city tax that was collected where the sale was made.

- Does Alabama allow credit for tax paid to another state?
 - Yes, Alabama does allow credit for taxes paid to other states, except Georgia. (See: Sale & Use Tax Rule 810-6-5-.04 & Section 40-23-65)

- Does Alabama allow credit for taxes paid to another country?
 - ▶ No. (See: Sale & Use Tax Rule 810-6-5-.04 & Section 40-23-65)

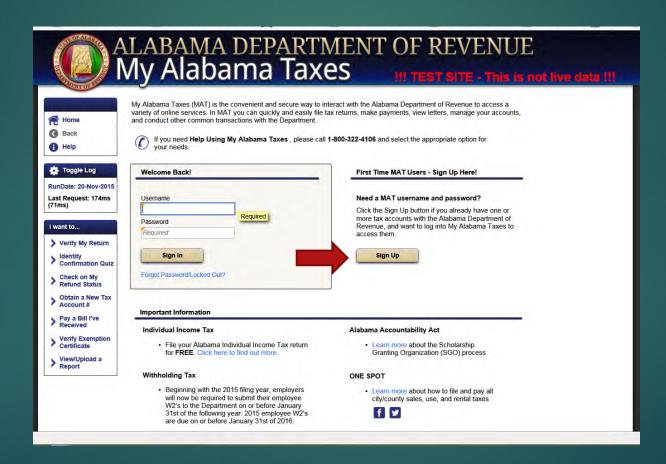
- ▶ If the dealer has already collected local Alabama tax, should any additional local tax be collected?
 - ▶ No, if the dealer collected county and city sales tax, no additional tax should be collected, regardless of the amount and/or difference in rate. (See: Sales & Use Tax Rule 810-6-5-.04.01 & Section 40-23-2.1)

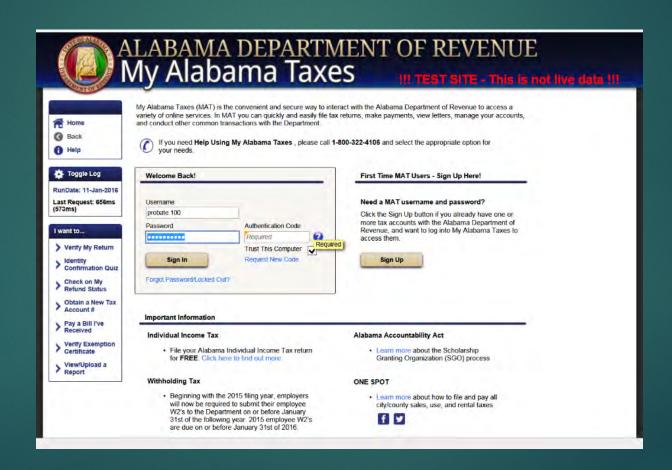
- Are members of the military exempt from paying sales tax on vehicle purchases?
 - ▶ No. (See: Sales & Use Tax Rule 810-6-2-.51.05)

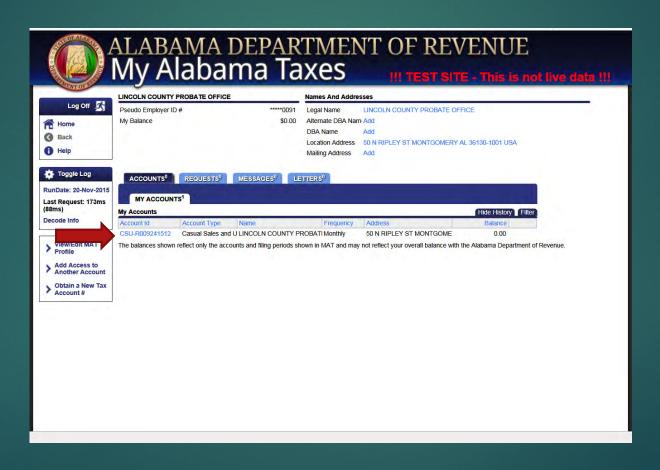
Is sales tax due on the following?

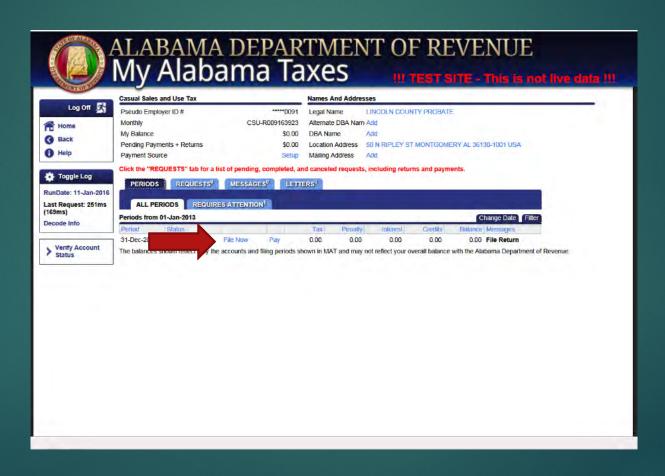
- ▶ Title Fees No
- ▶ Dealer Discount No
- Finance & InsuranceCharge No
- ▶ Title change due to death or divorce – No

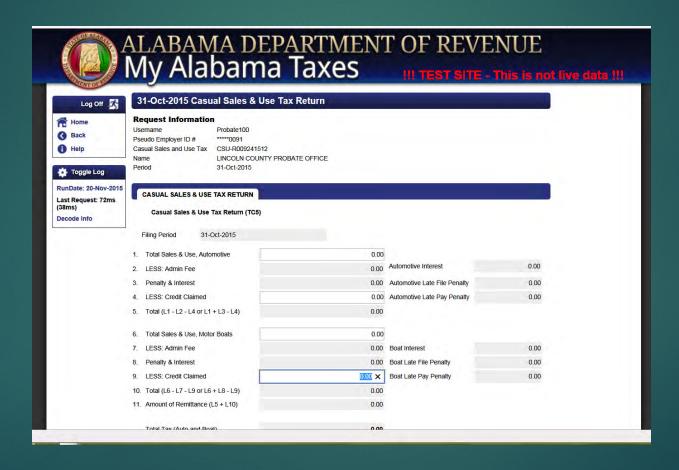
- ▶ Document Fee Yes
- Processing Fee Yes
- Destination Charge Yes
- Manufacturer's Rebate -Yes

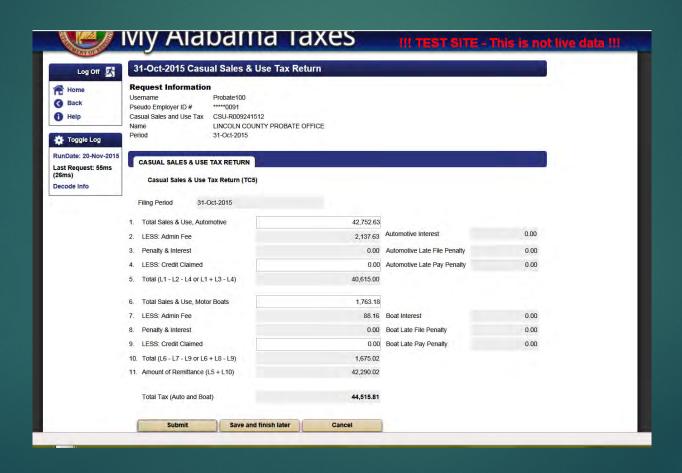


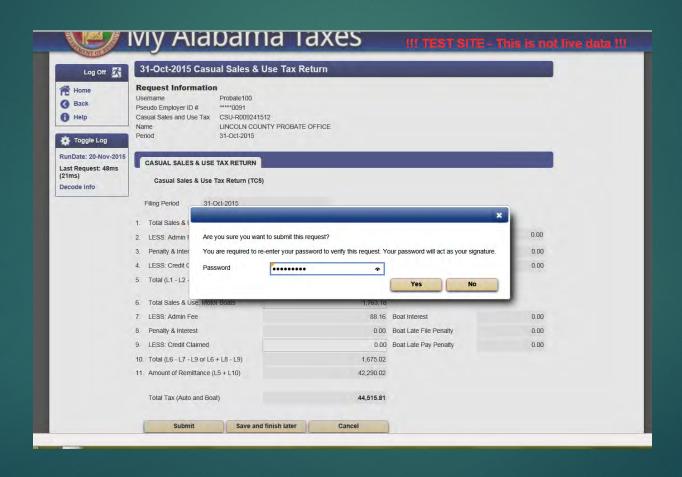


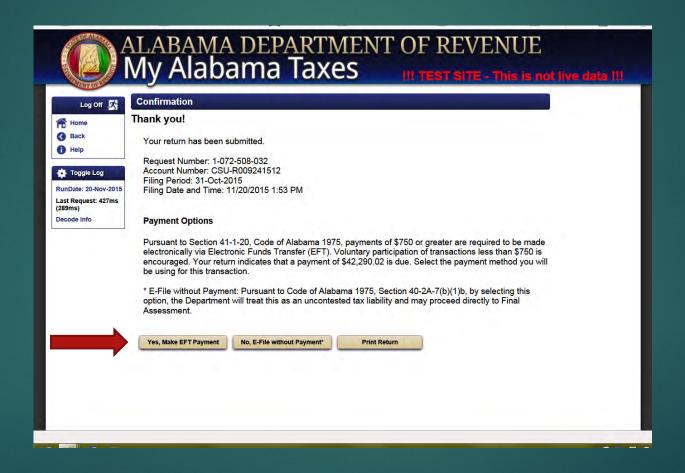


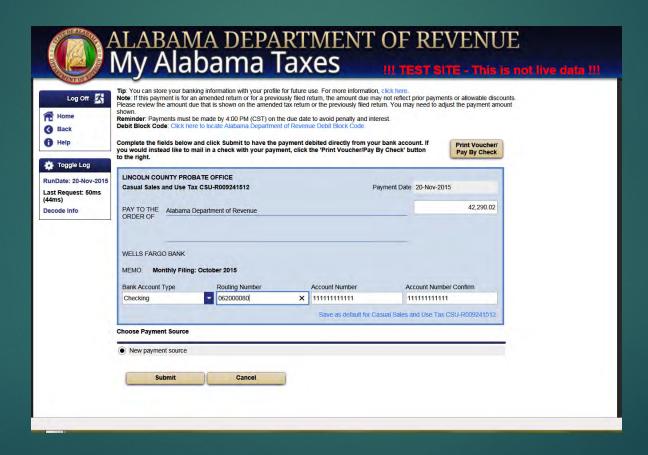


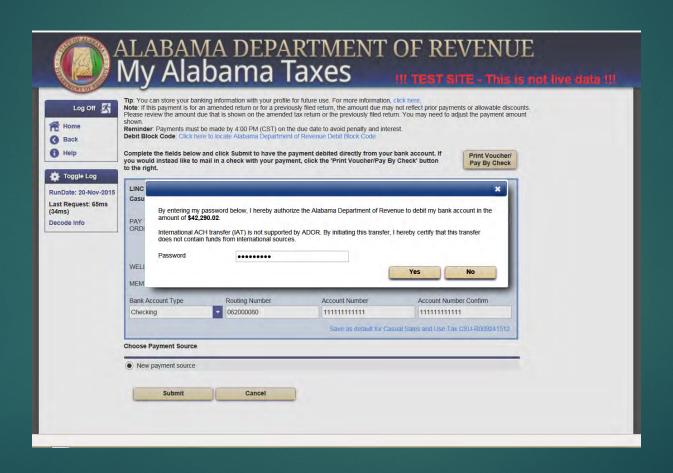


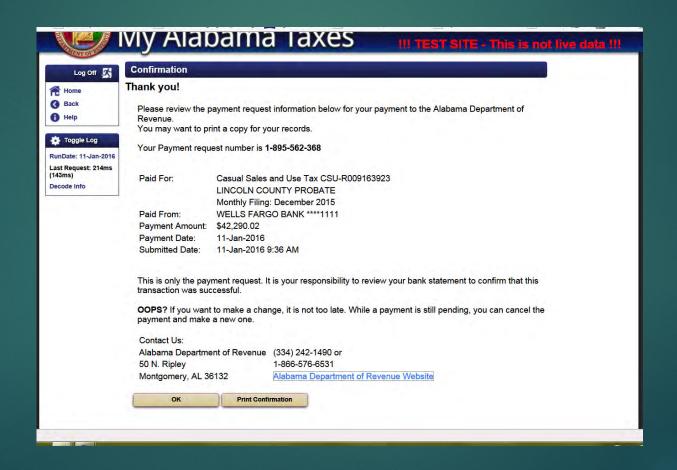


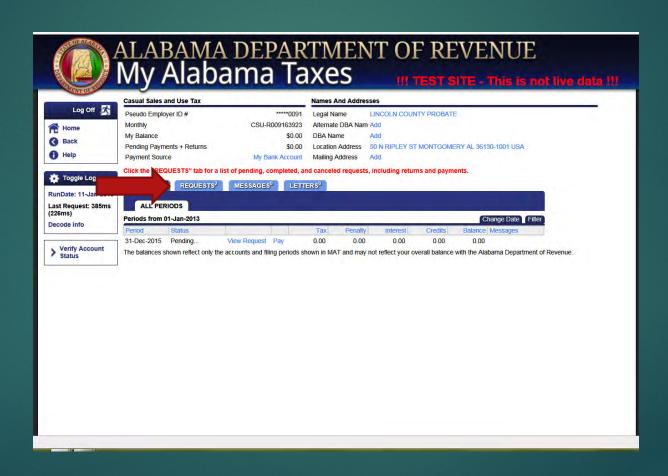


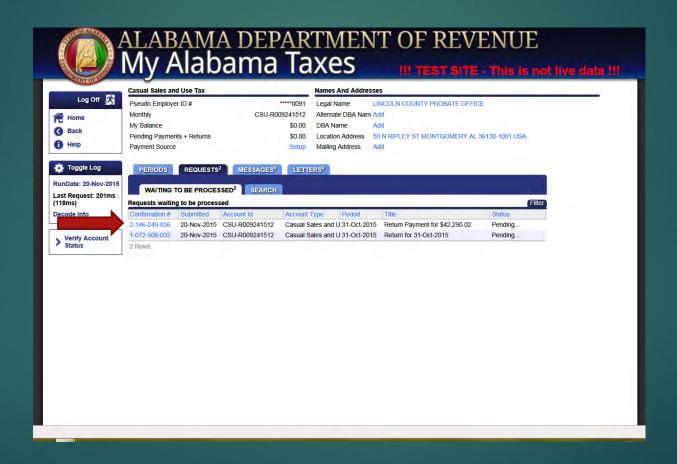


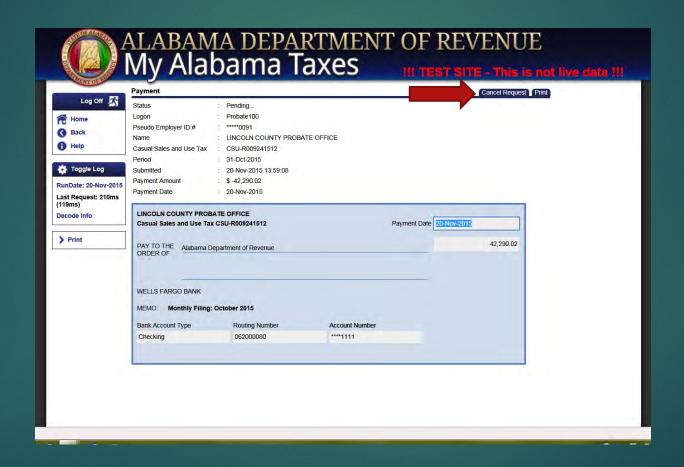


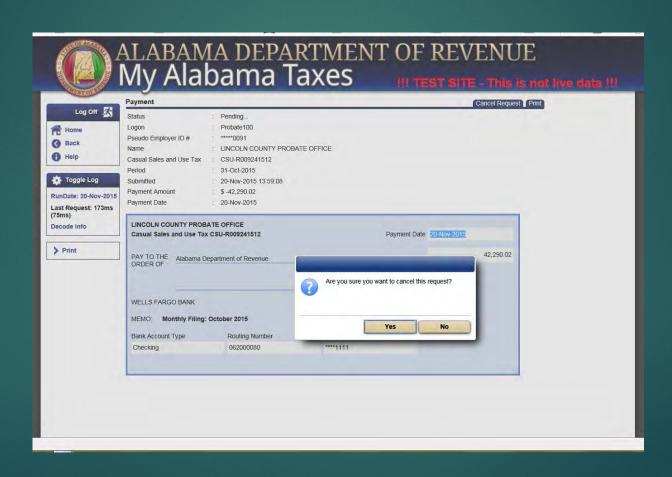


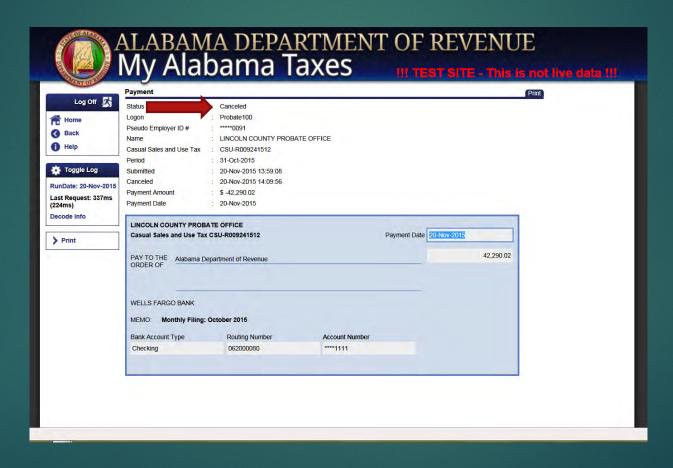


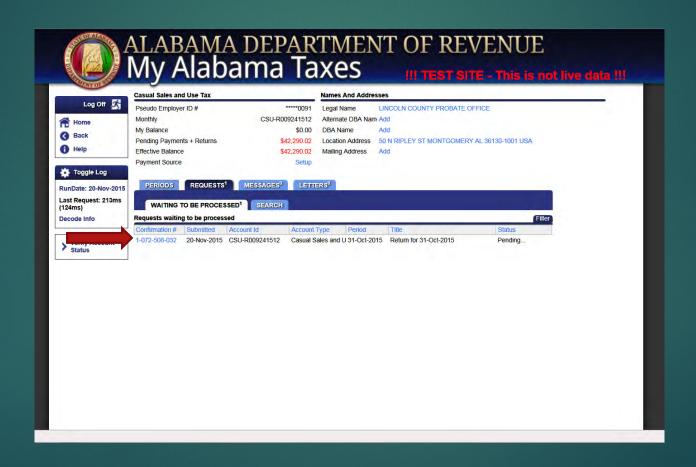


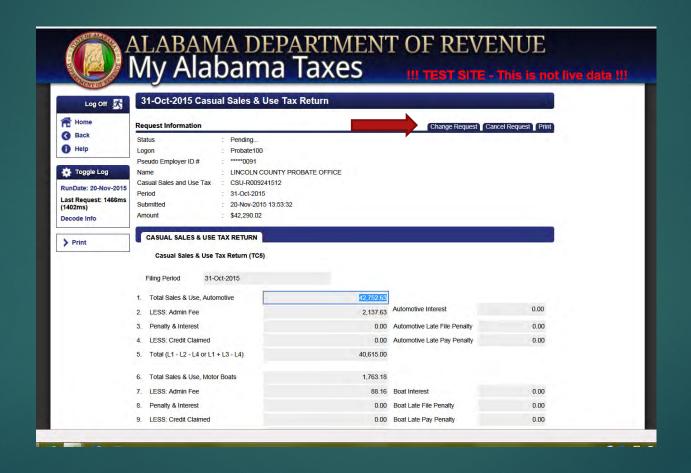


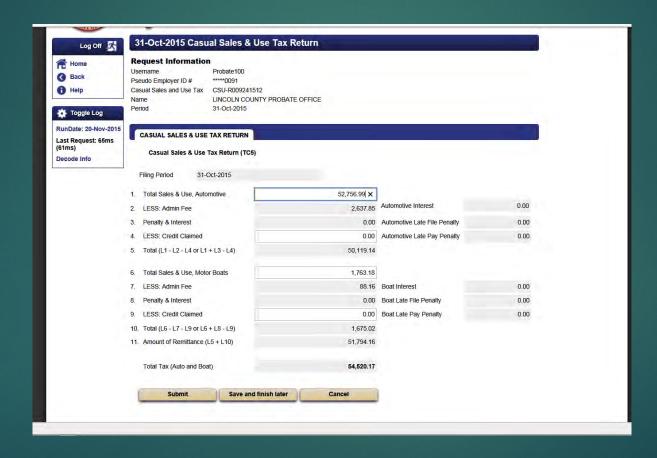


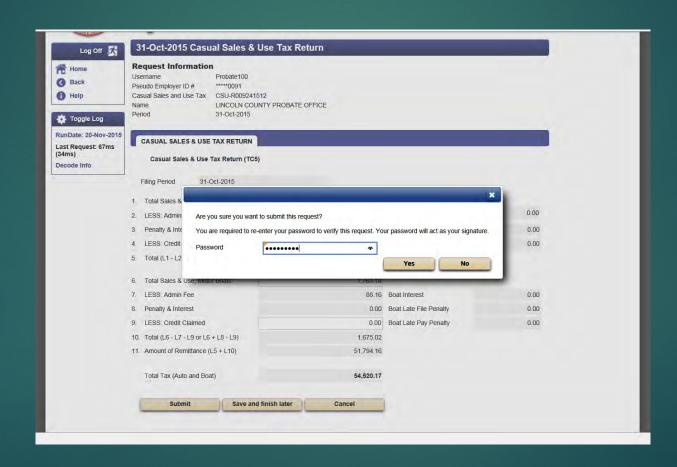


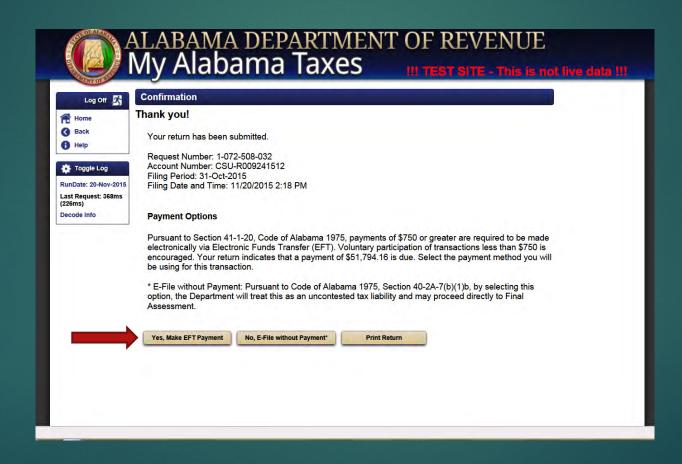


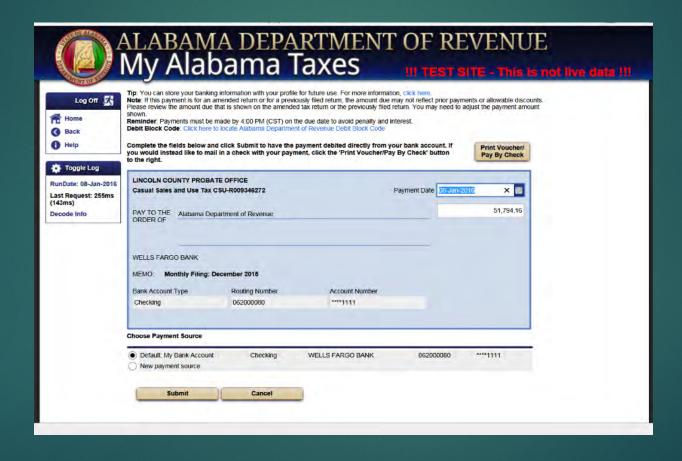


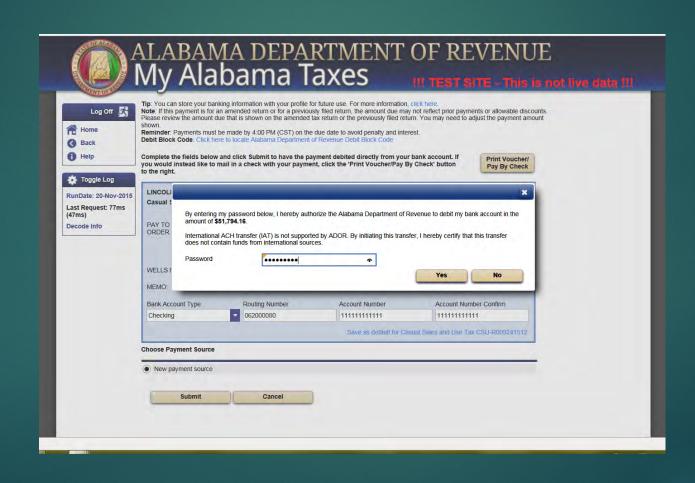


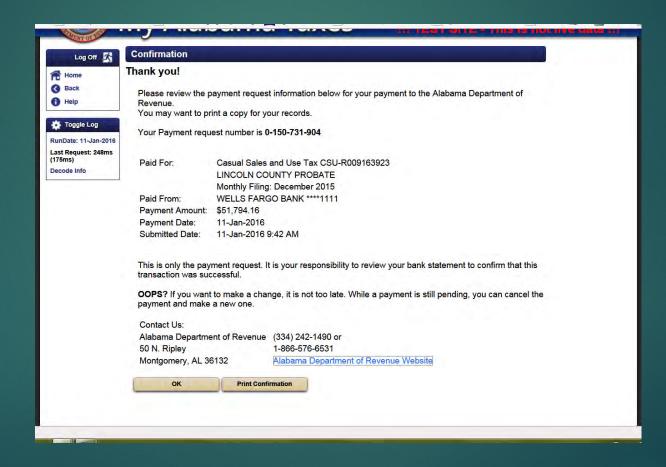


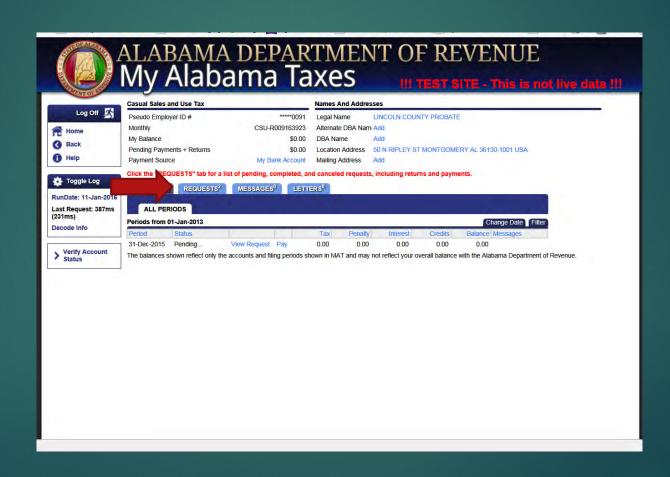


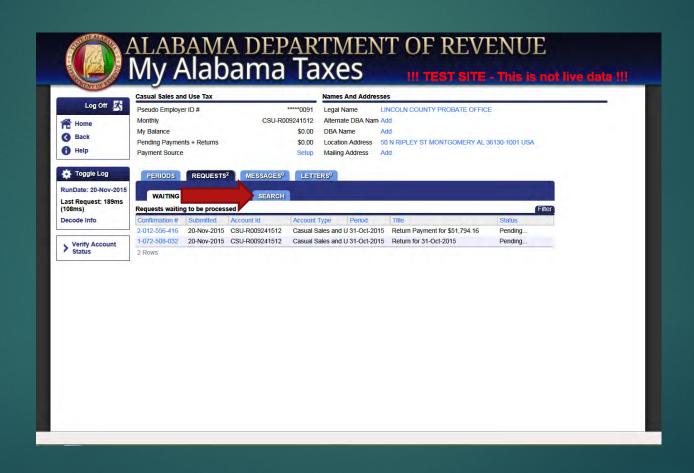


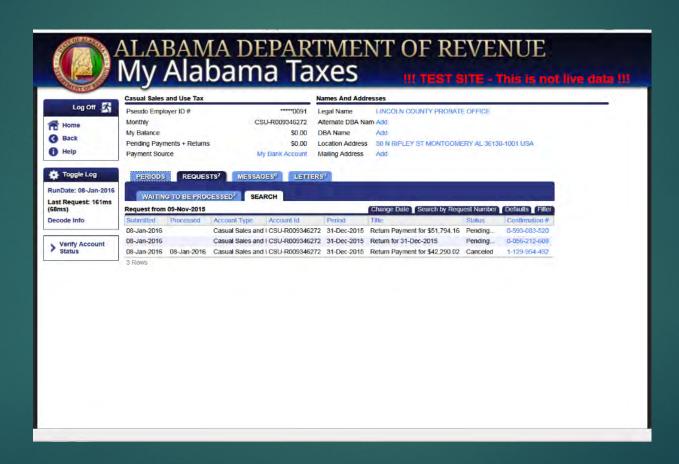












Tawanna L. Small
Alabama Department of Revenue
Contact No. (334) 353-9350
Fax No. (334) 353-9330

Email: Tawanna.Small@revenue.Alabama.gov