

Disclaimer

This presentation is for educational purposes only and does not provide tax advice. It is meant to accompany an oral presentation and not to be used as a standalone document.

This presentation is based on the facts and circumstances being discussed, and on the laws in effect when it is presented. It does not supersede or alter any provisions of Minnesota laws, administrative rules, court cases, or revenue notices.

If you have any questions, contact us at salesuse.edu@state.mn.us, 651-296-6181, or 1-800-657-3777 (toll-free).



Minnesota Business Tax Education Program

Providing education opportunities about Minnesota tax laws

Objectives

After completing this course, you will be able to:

- Apply the basic sales and use tax concepts for Minnesota and its local taxing jurisdictions to your business
- Recognize the exceptions to the general rule and the exemptions available
- Identify how to use and when to accept an exemption certificate
- Identify the documentation necessary for sales and use tax records and returns
- File and pay Sales and Use Tax returns using e-Services
- List several resources that answer your sales and use tax questions

Sales Tax Laws Are Not The Same In Every State



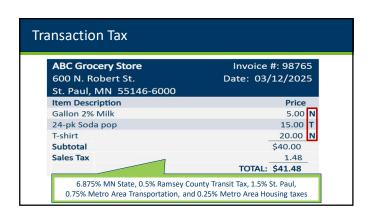
streamlinedsalestax.org

Categories of Sales – Real Property	
Not Taxable	
Categories of Sales – Intangible Property	
Not Taxable	
Categories of Sales - Services	
Taxable if specifically stated in the statutes	
revenue.state.mn.us/taxable-services-Minnesota MN Stat. 297A.61, Subd. 3	

Categories of Sales – Digital Products Taxable if specifically stated in the statutes Digital Products Publication MN Stat. 297A.61, Subd. 3 Categories of Sales – Tangible Personal Property (TPP) Taxable unless an exemption applies Sales Tax vs. Use Tax Sales Tax Use Tax Applies to taxable • Applies to retail sales in purchases when all Minnesota unless an exemption exists applicable taxes were not charged Collected and remitted by Self-assessed the seller Paid directly to the state







What is a Sale?

For sales and use tax purposes, a sale includes these types of transactions:

- Retail sale
- Lease
- Rental
- Providing a service
- Sale from wholesaler to retailer
- Bartering

General Sourcing Rules



1. Seller's Address



2. Delivery Address



3. Billing Address

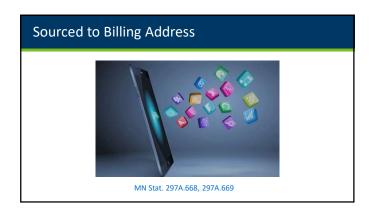
MN Stat. 297A.668, Subd. 2

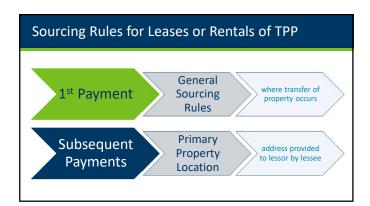
Sourced to Seller's Address



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Sales Price Includes All items required as a condition of the sale: • Delivery or handling charges • Fabrication labor • Installation labor • Service charges • Taxes and fees that are the obligation of the seller Sales Price Does Not Include • Cash discounts and term discounts • Coupons unless reimbursed by a 3rd party

Credit allowed for like-kind TPP taken in trade
 Finance charges from an extension of credit

• Taxes and fees legally imposed on a consumer

Interest charges

Taxes Added to the Bill		
	Example:	
 Taxes that are the obligation of 	Phone Service	\$140.00 T
the seller are subject to sales tax.	Fees-Seller	+ 12.88 T
Taxes that are the obligation of	Fees-Purchaser	<u>+ 5.74 N</u>
the purchaser are not subject to sales tax.	Subtotal	158.62
	Tax (6.875% on 152.88)	<u>10.51</u>
	Total due	\$169.13

Retailer's Coupons			
Subtract the coupon from the price of the item, then apply sales tax.	Example: Computer Less coupon Subtotal Tax (6.875%) Total due	\$400.00 - 50.00 350.00 24.06 \$374.06	

Manufacturer's Coupons		
	Example:	
	Computer	\$400.00
Apply sales tax to the price of	Tax (6.875%)	<u>27.50</u>
the item, then subtract the coupon.	Subtotal	427.50
	Less coupon	<u>- 50.00</u>
	Total due	\$377.50

When is Labor Taxed?		
Types of Labor	Examples	Is it taxable?
Repair labor	Car repairEquipment repairCalibrating equipmentSharpening tools	No (if separately stated)
Construction labor	Build an office buildingKitchen remodel	No
Fabrication labor	Custom sawingBending sheet metal	Yes
Installation labor	Computer equipmentModular furniture	Yes

Types of contract Optional maintenance contracts (bundled – one nonitemized price) Optional maintenance contracts (unbundled – separate itemized prices) Extended warranty contracts No – customer pays sales tax on parts when maintenance is performed No – service provider pays sales or use tax on the cost of parts when the maintenance is performed Revenue Notice 16-03

Details of agreement	Taxability of agreement
Required by vendor	The entire charge is taxable
Optional and includes only upgrades and enhancements	The entire charge is taxable
Optional and includes support services only	Not taxable
Optional and includes upgrades, enhancements, and support services	20% of the charge is taxable

Retail Delivery Fee Starting July 1, 2024, for certain transactions involving retail delivery in Minnesota that equal or exceeds \$100 Retailer Exclusions: • Minnesota retail sales less than \$1,000,000 in previous calendar year • Marketplace provider facilitates Minnesota retail sales less than \$100,000 in previous calendar year

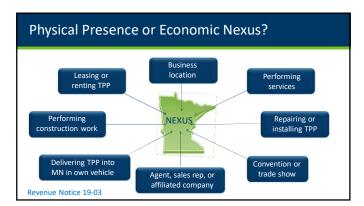
revenue.state.mn.us/retail-delivery-fee

Who Needs to Register?

You must register if you:

- Have a physical presence or economic nexus in Minnesota
- Are a remote seller who exceeds the Small Seller Exception
- Make purchases subject to use tax





Remote Sellers

A **remote seller** is any business that sells products in Minnesota without having a physical presence in Minnesota

Examples:

- Internet Sellers
- Mail order and catalog companies
- Sales over the telephone

Small Saller Evention
Small Seller Exception
The Small Seller Exception applies to remote sellers who do NOT meet either of the following thresholds in the previous 12 months:
200 or more retail sales shipped into Minnesota
• Retail sales shipped into Minnesota that total more than \$100,000
revenue.state.mn.us/sales-tax-faqs-remote-sellers
Who is a Marketplace Provider?
A Marketplace Provider is any person, other than the seller,
who facilitates a retail sale by:
Listing or advertising the seller's products; and
Processing the payments from the customer, either directly or
indirectly through a third party
revenue.state.mn.us/sales-tax-marketplace-providers
Sales Through Marketplace Providers
You only sell through a Marketplace
If the Marketplace collects on your behalf, you do not need to
register.
If the Marketplace does not collect sales tax on your behalf, you
must register and collect the tax unless you meet the Small Seller Exception.
Exception.

Sales Through Marketplace Providers

You sell through a Marketplace, your own website, and through other sources

 If all retail sales into Minnesota combined exceed the Small Seller Exception, you must collect and remit tax for all sales not reported by the Marketplace.

Minnesota Tax ID Number

- Minnesota Department of Revenue's Business Center
 - ° Register online (mndor.state.mn.us/tp/eservices/_/)
 - ° Register by phone (651-282-5225 or 1-800-657-3605)
- Streamlined Sales Tax Registration System (SSTRS) <u>sstregister.org/</u>
- Certified Service Provider (CSP)



Local Taxes

Local taxes are added to the state general sales tax rate to compute the total tax rate.

- City tax
- County or County transit tax
- Special local tax(es)
- Motor vehicle \$20 excise tax

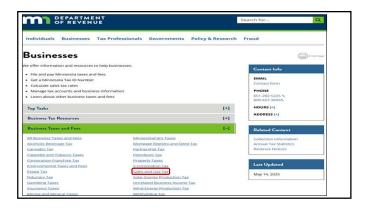


Local Sales Tax Notices Local Sales and Use Taxes Local Sales Tax Rate Publications Local Sales Tax Rate Twin Cities Area Local Tax Rate Special Local Tax Publications Special Local Tax Publications Special Local Taxes Minneapolis Minneapolis Special Local Taxes

Tax Rate Search Tools

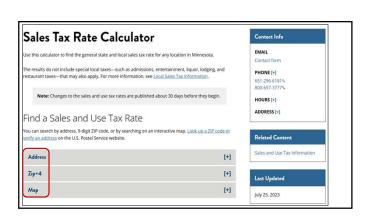
We offer a variety of tools including:

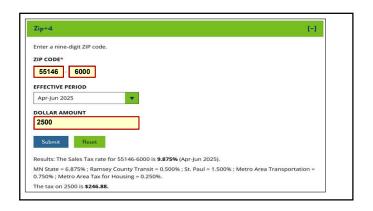
- Sales Tax Rate Calculators
- Sales Tax Rate Map
- Sales Tax Rate Spreadsheet
- Rates and Boundary files
- Sales Tax API (Application Program Interface)

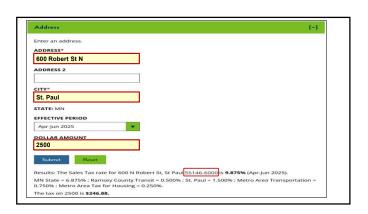


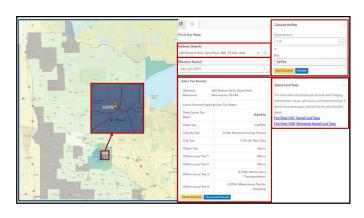


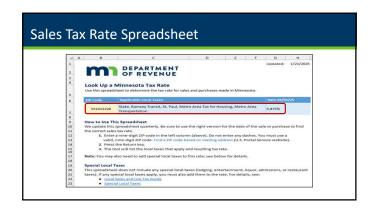












Tax Rates Tools for Sales Systems

- Rates and Boundaries files
- Sales Tax API (Application Program Interface)



Exempt Transactions Product-based **Entity-Based Use-Based Product-Based Exemptions** • Food for human consumption Food and Food Ingredients • Clothing for general use Clothing • Prescription and over-the-counter drugs Drugs • Publications sold by subscription – at least 4 issues per year Printing Industry **Entity-Based Exemptions** • Federal government agencies Government – Federal Government • Tribal governments Tribal Governments and Members

Local governments Government – Local Government
 Exempt organizations Nonprofit Organizations

• Minnesota government agencies Government – State Agencies

Use-Based Exemptions • Advertising materials shipped out of state Advertising • Inventory purchased for resale Retailers and Wholesalers • Items consumed in performing a taxable service • Items used in agricultural production Agricultural and Farming • Materials used in the manufacturing process Industrial Production **Authorization Letters and Permits** • Direct Pay • Exempt Status (nonprofit exemption) • Motor Carrier Direct Pay • Resource Recovery Facility **Authorized Exemption Certificates** • Certificate of Exemption, Form ST3 • Certificate of Exemption, Form F0003 • Uniform Sales and Use Tax Certificate • Other state's exemption certificates • Self-prepared exemption certificate

Required Elements for Exemption Certificates

- Purchaser's name and address
- Purchaser's Minnesota tax ID number
- · Purchaser's type of business
- Reason for exemption
- Purchaser's signature (unless online order form or shopping cart)

Other Fields on the Exemption Certificate



- One-time exemption on a purchase
- Purchasing agent buying materials for an exempt
- Seller's name and address

Purchaser's Responsibilities

- Know if you qualify to claim an exemption
- · Complete an exemption certificate
- Give it to the seller at the time of purchase
- Pay any use tax, penalty, and interest if used incorrectly

Seller's Responsibilities • Review all exemption certificates • Keep exemption certificates as part of your business records • Do not unlawfully solicit exemption certificates Use Tax Use tax is based on your purchase price of taxable items or services. This is true whether you buy items: • For your own business use without paying sales tax • Take them out of inventory and use them in a taxable manner • Donate them to a charitable organization • Give them away as promotional gifts What Should I Look For? • Review every invoice • Determine if items on the invoice are taxable • Look for taxable items purchased with an exemption certificate • Look for vendor changes

Watch for local taxes

Recording Use Tax • Always self assess the tax and remit it directly to the Department of Revenue. • Never add use tax to a vendor payment. • Record the amount of use tax accrued. Variable Rate Credit What is a variable rate credit? • Minnesota allows a credit for sales tax paid to another state • Must be legally due to the other state to receive credit Calculating Variable Rate 1. Calculate the applicable amount of tax due (variable rate X sales price). 2. Enter the amount as variable rate use tax on your sales and use tax return. Minnesota sales tax rate 6.875% Wisconsin state and local sales tax (5.500%) Variable rate tax due to Minnesota 1.375%

Recordkeeping Basics Use a recordkeeping system that: • Incorporates Generally Accepted Accounting Principles (GAAP) • Tracks the data you need • Easy to maintain • Works for your business **Recordkeeping Basics** Make sure that you: • Record each transaction the same • Do not mix personal and business transactions • Do not mix business records, if you have more than one business • Use the appropriate accounting method (cash or accrual) Sales Documentation You should retain documents that detail the following: • Date of the transaction • Description of the item(s) Sales price • Where the item was sourced Sales tax collected • Exemption certificate received

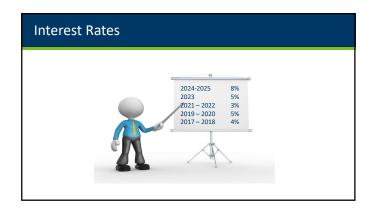
Purchase Documentation • Record this information: • Date of purchase • Invoice number • Vendor's name • Description of item(s) • Taxable amount • Amount of state and local sales and use tax paid

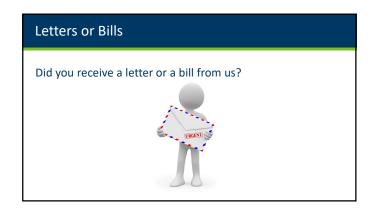
Cash Basis Record income when you receive payment Report sales tax when you receive payment Report use tax when you pay the invoice Accrual Basis Record income when you make the sale Report sales tax when you make the sale Report use tax based on the invoice date

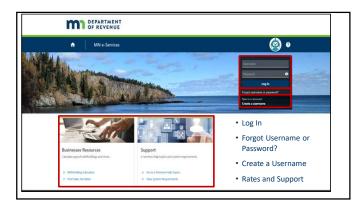
Filing and Paying **C-Services** You must do two things to avoid late filing and late payment penalties: 1. File your return by the due date. 2. Pay your sales and use tax liability on or before the due date.

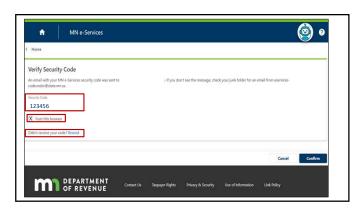
Filing Due Dates			
Filing Frequency	Average Tax Liability	Due Date	
Annual filers	Less than \$100 per month (less than \$1,200 per year)	February 5 of the following year	
Quarterly filers	Less than \$500 per month (less than \$6,000 per year)	20th day of the month following the end of the quarter	
Monthly filers	More than \$500 per month (more than \$6,000 per year)	20th day of the following month	
revenue.state.mn.us/sales-tax-return-filing-due-dates			

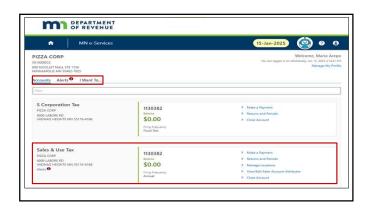
Late Filing and Late Payment Penalties			
Days Late	Late Filing Penalty	Late Payment Penalty	
1-30 days	5 percent	5 percent	
31-60 days	5 percent	10 percent	
60+ days	5 percent	15 percent	



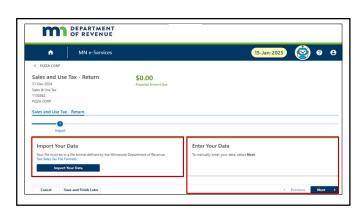


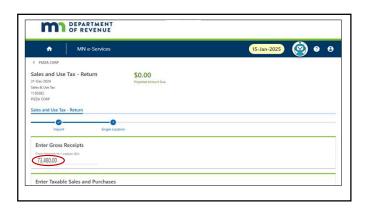


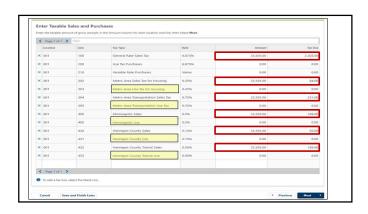


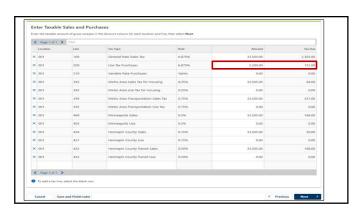


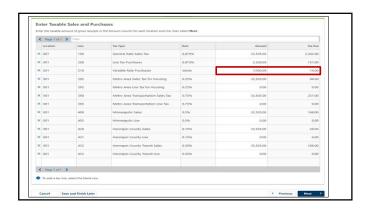


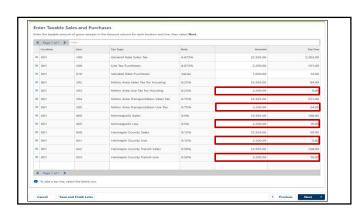


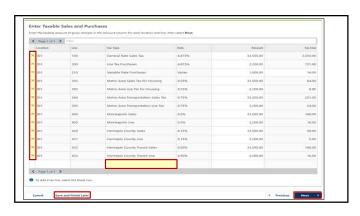




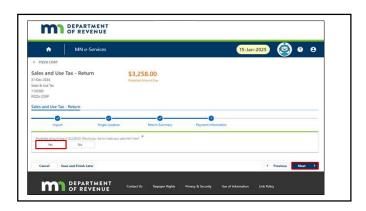




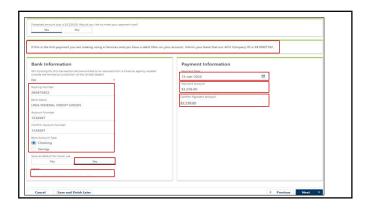




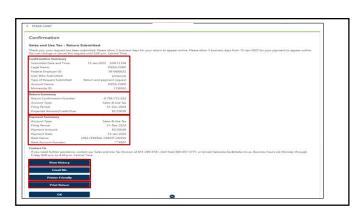












Notification of Changes

It is your responsibility to ensure the following information is correct:

- Business location(s)
- Contact information
- Legal organization
- Mailing address(es)
- NAICS code
- Owners and officers

Amending Returns

Common reasons for amending a return:



- Reported too much or not enough tax on your return
- Reported the tax on the wrong tax line
- Charged tax incorrectly to a customer and refunded the tax to the
- Received a completed exemption certificate from a customer for tax you paid and now refunded back to the customer



Resources to Answer Your Questions

Are you looking for additional resources? Visit our website at revenue.state.mn.us Sales and Use Tax Contact Information • Sales taxability questions Email: salesuse.tech@state.mn.us • Sales and Use Tax account questions Email: salesuse.tax@state.mn.us • Telephone assistance Phone: 651-296-6181 or 1-800-657-3777 (toll free) Other Division Contact Information • Business Income Taxes ° 651-556-3075 • Email: <u>businessincome.tax@state.mn.us</u> Withholding Tax ° 651-282-9999 or 1-800-657-3594 • Email: withholding.tax@state.mn.us • Business Registration o 651-282-5225 or 1-800-657-3605 ° Email: <u>Business.Registration@state.mn.us</u>



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Course Review During this class, we discussed ... • The basic sales and use tax concepts for Minnesota and its local taxing jurisdictions • The difference between taxable goods and services and those that are nontaxable or exempt • How to use and when to accept an exemption certificate • The documentation necessary for sales and use tax records and returns • e-Services and how to file and pay Sales and Use Tax returns • Where to find information to help you answer your questions

