

## Post Transaction Survey

### Summary

Responses have been received from all the member states except Georgia and Tennessee (Associate Member). In addition, Alabama, Arizona, California, Connecticut, Maine, and Texas provided responses. New York declined to participate.

Responses to question 1: The statute of limitations for most states is 3 or 4 years

Responses to question 2: Twenty-one states agreed the paper or electronic sales receipt was sufficient documentation. Nine states indicated additional documentation was needed.

Responses to question 3: Most states chose option a (13), while 6 states chose options a and b and 5 chose option a, b or d. ( 3 – b alone, 2 – d alone, 1 – a or d)

Responses to question 4: Eighteen states indicated they would allow the full refund (some with caveats). Twelve said no.

Responses to question 5: The majority of states would allow the full refund (25). Five would not.

Responses to question 6: Most states (20) would refund only the tax on the product, \$6. Four would refund all the tax (option a), two would not allow a refund, two chose other and two indicated it wasn't applicable to their state.

Responses to question 7: Most states (20) would refund all the tax (\$6.60). Four would refund only the tax on the net amount (option c), one would not allow a refund, and three indicated it wasn't applicable to their state.

Responses to question 8: Seventeen states indicated there would be no tax consequence. The other states required amended returns, refund claims or credits be taken.

Responses to original question 9: Twenty-two states agreed that tax was due on the price difference. Five states said no and 4 states said it would depend on the various factors.

Responses to Follow-up question 9: Seven states indicated tax would be due on \$50. Five states had other tax bases.

Responses to question 10: Twenty-five states require the tax be refunded to the customer first. Four states allow the seller to file a claim before refunding the tax to the customer and one state indicated a joint petition should be filed.

Responses to question 11: All states agreed the seller can obtain a refund if the customer short pays and says they are exempt.

Responses to original question 12: Twenty-six states indicated the seller should refund the original tax paid. Three only allowed tax at the rate where the exchange takes place. One state did not give a position.

Responses to follow-up question 12: Twelve states indicated that tax should be refunded based on the original tax paid. One of these states indicated that if the purchase took place in another state, no tax would be refunded in their state.

Responses to original question 13: Sixteen states would require the tax be refunded based on the location where the exchange takes place. Six states indicated tax should be refunded based on the original tax paid. Seven states would not allow a refund and one state did not give a position.

Responses to follow-up question 13: Five states indicated that tax should be refunded based on the location where the exchange takes place. Five states would not allow a refund. One state would allow the refund based on the original tax paid, if known and based on where the exchange takes place if not. One state would allow a refund of tax refunded by the seller (based on either?) if the seller can show that the price was reported on a prior return.

Responses to question 14: Sixteen states allow the customer to request a refund. Eleven states require the seller to request the refund. Three allow the customer to request the refund only in certain circumstances.