

Streamlined Sales Tax Governing Board

2022 Annual State Compliance Reviews Summary

Full Member States With No Compliance Issues Identified:

Arkansas	Indiana	Iowa	Kansas	Kentucky	Michigan	Minnesota
Nebraska	North Carolina	North Dakota	Ohio	Oklahoma	Rhode Island	South Dakota
Utah	Vermont	Washington	Wisconsin	Wyoming		

Full Member States With Potential Compliance Issues Identified:

Georgia	Nevada	New Jersey	West Virginia
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Associate Member States With Issues Identified But Which Don't Affect Associate State Membership Compliance:

Tennessee

Georgia						
Statement of the issues	SSUTA section and/or rule reference	State authority	State's written comments	BAC/ public comments	Staff Comment	CRIC decision
GA Issue 1: Administration of exemptions						
The state has been declared out of compliance since 2013 because effective March 5, 2013, sellers are required to exercise good faith when accepting exemption documents from purchasers.	SSUTA Section 317	48-8-38				
GA Issue 2: Acceptance of the						
The state has been declared out of compliance since 2013 because the state does not accept the SER from all sellers.	SSUTA Section 318	48-8-39				

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GA Issue 3: Caps and Thresholds						
Legislation passed in 2017 put a cap of \$35,000 of tax on certain boat repairs.	SSUTA Section 323	48-8-3.4				
GA Issue 4: Local Sales Tax Base						
Legislation passed in 2017 extended the exemption for food to an equalized homestead option sales tax passed in the future by referendum. Food is not exempted from other local sales taxes.	SSUTA Section 302	48-8-3(57)				

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Nevada						
Statement of the issues	SSUTA section and/or rule reference	State authority	State's written comments	BAC/ public comments	Staff comment	CRIC decision
<p>The legislature in 2021 expanded the entity-based exemption for sales to qualified members of the Nevada National Guard in SB440. The legislation provides for a new temporary sales tax exemption for all tangible personal property every year on “Nevada Day” and the weekend immediately following the holiday. The exemption only applies to qualified Nevada National Guard members, thereby making it an entity-based exemption which is prohibited under SSUTA Sec. 322(A)(4). The business community is concerned that Nevada is not following the requirements in Section 322 of the SSUTA related to sales tax holidays as there was no 60-day notice, a form is required to obtain the exemption and it is an entity- based exemption.</p>	<p>Sec. 322- Sales Tax Holidays</p>					

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New Jersey						
Statement of the issues	SSUTA section and/or rule reference	State authority	State's written comments	BAC/ public comments	Staff comment	CRIC decision
Sales Tax Holiday enacted 7/1/2022	Sec. 322 – Sales Tax Holidays				Sales tax holiday enacted effective 7/1/2022. Holiday applies to a ten-day period beginning Aug. 22, 2022 and ending on August 31, 2022. This is less than the 60-day notice required under Sec. 322 of the Agreement.	

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Tennessee						
Statement of the issues	SSUTA section and/or rule reference	State authority	State's written comments	BAC/ public comments	Staff Comment	CRIC decision
Sales tax holiday	SSUTA Sec. 322	Tenn. Code Ann. § 67-6-393(i) §67-6-393	In 2022, the Tennessee legislature extended the sales tax holiday for gun safes and gun safety devices. “Gun safes” and “gun safety devices” are not defined terms under SSUTA Section 322.A.1. In addition, the Tennessee legislature enacted a sales tax holiday for food and food ingredients starting August 1, 2022 and ending August 31, 2022. Notice of the enactment was issued 58 days prior to the start of the holiday.		SSUTA Sec. 322 requires that sales tax holidays be limited to items that are specifically defined in Part II and III of the Library of Definitions. “Gun safes” and “Gun safety device” are not defined in the Library of Definitions. SSUTA Sec. 322 requires that notice of the exemption period be given at least 60 days prior to the calendar month in which the exemption period begins. See Notice 22-10 Important Notice	

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West Virginia						
Statement of the issues	SSUTA section and/or rule reference	State authority	State's written comments	BAC/ public comments	Staff Comment	CRIC decision
Near the end of the 2021 compliance reviews, the business community raised issues regarding West Virginia's imposition of tax on streaming services. WV has a broad-based imposition statute related to services that applies to streaming services. WV updated its taxability matrix to indicate such treatment and to make it clear it was being taxed as a service as opposed to a specific digital good. The issue raised by the business community was that since the streaming services fall within the definition of one or more of the specified digital goods, to be in compliance with Section 332 requirements of the SSUTA, the language related to permanent/non-permanent use, continued payments, etc. needed to be included. BAC had indicated that they were going to address this issue through a Section 904 - Compliance petition. To date, no petition has been filed.	Sec. 332					