

Tennessee Taxability Matrix: Tax Administration Practices

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Changes were made to the following areas of this document (indicated by a "√"):

Taxability Treatment Definition Treatment Statute/Rule Cite Reference

Comments Date Revised

Reference Number of changed items (may include a brief description of the change):

N/A

Each Tax Administration Practice is in the Library of Tax Administration Practices in the Streamlined Sales and Use Tax Agreement (SSUTA) (<http://www.streamlinedsalestax.org/index.php?page=modules>) as amended through May 20, 2021. See Appendix E of the SSUTA for additional explanations and examples related to the Tax Administration Practices.

"Tax Administration Practices" indicates which administrative practices the state follows and provides an explanation of the state's practice if it does not follow a listed practice.

To the extent possible under each state's laws, sellers and CSPs are relieved from tax liability to the member state and its local jurisdictions for having charged and collected the incorrect amount of sales and use tax resulting from the seller or certified service provider relying on erroneous data provided by the member state relative to the tax administration practices.

To the extent possible under each state's laws, sellers and CSPs are also relieved from tax liability to the member state and its local jurisdictions for having charged and collected the incorrect amount of sales and use tax until the first day of the calendar month that is at least 30 days after notice of a change to the state's "Taxability Matrix: Tax Administration Practice" is submitted to the governing board, provided the seller or CSP relied on the prior version of the Taxability Matrix.

As of June 2021 the Taxability Matrix was separated into two documents: Taxability Matrix: Library of Definitions (previously Section 1) and Taxability Matrix: Tax Administration Practices (previously Section 2).

Tax Administration Practices					
Disclosed Practice 1 - Tax Administration Practices on Vouchers from Appendix E of the SSUTA		Does Your State Follow this Practice?		If You Answered No, Describe the Difference Between the Practice as Adopted by the Governing Board and Your state's Treatment. Add Additional Comments if Desired.	
Reference Number	Disclosed Practice 1 - Vouchers			Statute/Rule Cite	Comment

<p>Voucher Definition</p>	<p>As used herein, a voucher is an instrument that is:</p> <ul style="list-style-type: none"> a. issued to a purchaser for an amount that is less than the face value and both the face value and amount paid by the purchaser are noted on the voucher; b. redeemable for personal property or services in a single visit only at the seller's business; c. redeemable either for a specific product or for a certain dollar amount towards the purchase price of any product sold by the seller; d. issued, marketed, or distributed by a third party pursuant to a specific agreement with the seller, and the seller determines the price at which the voucher is to be issued and allows redemption of the specific voucher for personal property or services ("third party agreement"); e. not a digital code as defined by the Agreement or its Rules; f. not a ticket for an admission to a specific performance or event on a specific date and time; g. not a gift card or gift certificate nor is it convertible, in whole or in part, to gift cards, gift certificates or cash; h. not usable in combination with other promotions or coupons offered by the seller; and i. not a prepaid calling service or a prepaid wireless calling service. <p>Vouchers may be provided to purchasers in the form of an electronic instrument that is scanned by the seller from the purchaser's electronic device.</p>				<p>NA, Tennessee has not adopted this definition for voucher.</p>
<p>Reference Number</p>	<p>Disclosed Practice 1 - Vouchers</p>	<p>Yes</p>	<p>No</p>	<p>Statute/Rule Cite</p>	<p>Comment</p>

Vouchers 1.1	The member state administers the difference between the value of a voucher allowed by the seller and the amount the purchaser paid for the voucher as a discount that is not included in the sales price (i.e., same treatment as a seller's in-store coupon), provided the seller is not reimbursed by a third party, in money or otherwise, for some or all of that difference.	X		T.C.A. 67-6-102 (85)	
Vouchers 1.2	The member state provides that when the discount on a voucher will be fully reimbursed by a third party the seller is to use the face value of the voucher (i.e., same as the treatment of a manufacturer's coupon) and not the price paid by the purchaser as the measure (sales price) that is subject to tax.	X		T.C.A. 67-6-102 (85)	
Vouchers 1.3	The member state provides that costs and expenses of the seller are not deductible from the sales price and are included in the measure (sales price) that is subject to tax. Further, reductions in the amount of consideration received by the seller from the third party that issued, marketed, or distributed the vouchers, such as advertising or marketing expenses, are costs or expenses of the seller.	X		T.C.A. 67-6-102 (85)	
Disclosed Practice 2 - Tax Administration Practices on Credits from Appendix E of the SSUTA		Does Your State Follow this Practice?		For Sections With Only No Responses, Describe Your state's Tax Treatment. Add Additional Comments if Desired.	
Reference Number	Disclosed Practice 2 - Credits	Yes	No	Statute/Rule Cite	Comment

Definition	"Tax Paid" means the tax that was (1) paid and (2) previously due from either the seller or the purchaser when the sale of that product is taxable in that state and it was properly sourced based on that state's sourcing rules. "Tax paid" includes tax that was (1) paid and (2) previously due from the purchaser (or seller, if applicable) because the purchaser moved the product to a different jurisdiction. "Tax paid" does not include the portion of tax paid that is currently eligible for a credit or refund or tax paid that is eligible for refund under a tax-incentive program or agreement.				NA, Tennessee has not adopted this definition for tax paid.
Reference Number	2.1 Credit Against Use Tax	Yes	No	Statute/Rule Cite	Comment
Credits 2.1	The State imposing tax on the purchaser provides credit for "sales or use taxes paid" on a product against the state's use tax.	X		T.C.A. 67-6-507 (a) and 67-6-313(f) Rule 1320-05-01-.91(1)	Tax paid by the purchaser in the other state must be a like tax (i.e., sales or use tax), legally imposed and properly paid. Purchaser is required to have documentation to substantiate proof of payment for credit. Credit is limited to the amount of use tax due in Tennessee.
Reference Number	2.2 Credit Against Sales Tax	Yes	No	Statute/Rule Cite	Comment
Credits 2.2	The State imposing tax provides credit for the "sales or use taxes paid" on a product against the state's sales tax.		X	T.C.A. 67-6-507	Tennessee law only allows for credit for Tennessee tax paid to a vendor on personal property or taxable service that was subsequently resold in Tennessee. Sellers paying sales or use tax on the purchase of property in another state that is resold in Tennessee must obtain a refund from the other state for the sales or use tax paid in the other state on property resold in Tennessee.
Reference Number	2.3 Reciprocity	Yes	No	Statute/Rule Cite	Comment

Credits 2.3.a	The credit the State provides in 2.1 and 2.2 applies regardless of whether another state provides a reciprocal credit.	X		T.C.A. 67-6-507 (a) and 67-6-313(f) Rule 1320-05-01-.91(1)	2.1 - the tax paid in the other state must be a sales or use tax to receive credit in Tennessee against the use tax due.
Credits 2.3.b.	The credit the State provides in 2.1 and 2.2 only applies when the other state where the tax was paid provides a reciprocal credit.		X		The tax paid in the other state must be a sales or use tax to receive credit in Tennessee against the use tax due.
Reference Number	2.4 State and Local Sales and Use "Tax Paid"	Yes	No	Statute/Rule Cite	Comment
Credits 2.4.a.	The credit provided for in 2.1 and 2.2 is for the combined amount of state and local "tax paid" to another state or local jurisdiction against both the state and local taxes due to the State.	X			
Credits 2.4.b.	The credit provided for in 2.1 and 2.2 is for only the state "tax paid" to another state against the taxes due to the State (i.e., no credit for local tax against state tax). If the State has local sales or use taxes, it only provides credit for state tax against state tax and local tax against local tax.		X		
Reference Number	2.5 Credit for "Similar Tax" Paid to Another Jurisdiction	Yes	No	Statute/Rule Cite	Comment
Credits 2.5	The credit provided for in 2.1 and 2.2 includes "similar taxes" that were (1) paid and (2) previously due to another state or local jurisdiction against the sales or use taxes due. If applicable, list below all known similar or like taxes the State provides credit for even if such tax does not meet the definition of a "similar tax."		X	T.C.A. 67-6-507 (a) and 67-6-313(f) Rule 1320-05-01-.91(1)	NA, The tax paid in the other state must be a sales or use tax to receive credit in Tennessee against the use tax due.
Credits 2.5					
	2.6. Credit Against "Similar Tax" Imposed by the State	Yes	No	Statute/Rule Cite	Comment

Credits 2.6	The credit provided for in 2.1 and 2.2 includes "sales or use taxes paid" to another state or local jurisdiction against "similar taxes" due. If applicable, list below "similar taxes" imposed that the State provides credits against.		X		NA, The tax paid in the other state must be a sales or use tax to receive credit in Tennessee against the use tax due.
Credits 2.6					
	2.7 Sourcing when Receipt Location is Known	Yes	No	Statute/Rule Cite	Comment
Credits 2.7	The credit provided for in 2.1 and 2.2 applies when the other state's "sales or use taxes" were (1) paid and (2) previously due based on: i) that other state's sourcing rules, or ii) the purchaser's location of use of a product subsequent to the initial sale.		X		Streamlined sourcing is not in effect in Tennessee. Credit is not available in Tennessee for taxes paid in other states where the taxpayer incurred the Tennessee tax before a taxable event occurred in another state.
	2.8 Sourcing when Receipt Location is Unknown	Yes	No	Statute/Rule Cite	Comment
Credits 2.8	Except as provided in Credits 2.13, the credit provided for in 2.1 and 2.2 applies when the seller sources the initial sale pursuant to the SSUTA Sections 310.A.3, 310.A.4, or 310.A.5, because the location where the product was received by the purchaser was unknown to the seller.	X			Streamlined sourcing is not in effect in Tennessee. 2.1- A purchaser will receive credit for sales tax legally imposed and paid in another state, against the amount of use tax due in Tennessee.
	2.9 Characterization of Sale	Yes	No	Statute/Rule Cite	Comment
Credits 2.9	The credit provided for in 2.1 and 2.2 applies regardless of the other state's characterization of the product as tangible personal property, a service, digital good, or product delivered electronically.	X			Tennessee would impose tax and give credit based on Tennessee law. Tennessee imposes use tax on tangible personal property, specified digital products, computer software, and computer software maintenance contracts and warranty contracts covering tangible personal property in Tennessee.
	2.10 Sales Price Components	Yes	No	Statute/Rule Cite	Comment

Credits 2.10.a.	2.10.a. Full Credit Allowed - The credit provided for in 2.1 and 2.2 applies to all components of the SSUTA "sales price" definition, whether taxable or nontaxable in the State.	X		T.C.A. 67-6-102 (85)	Tennessee adopted the Streamlined "sales price" definition including all components of the SSUTA sales price definition: delivery charges, installation charges, services necessary to complete the sale and telecommunications nonrecurring charges.
Credits 2.10.b.	2.10.b. Partial Credit Allowed - When taxable and nontaxable charges are itemized on the invoice, the credit provided for in 2.1 and 2.2 is only for the "tax paid" on the taxable components of the sales price in the State.		X		NA
	2.11 Transactions with Taxable and Exempt Products	Yes	No	Statute/Rule Cite	Comment
Credits 2.11.a.	2.11.a. Full Credit Allowed - The credit provided for in 2.1 and 2.2 applies to the full amount of "tax paid" on a transaction consisting of taxable and exempt products.		X		NA
Credits 2.11.b.	2.11.b. Partial Credit Allowed - When taxable and nontaxable products are itemized on the invoice the credit provided for in 2.1 and 2.2 is only for the "tax paid" on the taxable products of a transaction in the State.	X			
	2.12 Audit Sampling	Yes	No	Statute/Rule Cite	Comment
Credits 2.12	The credit provided for in 2.1 and 2.2 applies when the sale or purchase of the product was part of the population sampled pursuant to an audit sampling method.	X		T.C.A. 67-6-507 (b) Rule 1320-05-01-.91(1)	2.1 - Documentation is required to substantiate the tax has been paid. A Tennessee vendor claiming the purchaser paid the Tennessee tax in an audit may also be required to provide an affidavit from the purchaser stating that the Tennessee tax has been paid in Tennessee. Credit is not available in Tennessee for taxes paid in other states where the taxpayer incurred the Tennessee tax before a taxable event occurred in another state.
	2.13 Direct Mail	Yes	No	Statute/Rule Cite	Comment

Credits 2.13	The credit provided for in 2.1 and 2.2 applies when the seller sources the sale of Advertising and Promotional Direct Mail pursuant to Section 313.A.4.	X			Streamlined direct mail sourcing is not in effect in Tennessee. 2.1- Credit for sales tax paid in another state is given when title to Advertising and Promotional Direct Mail transfers to the purchaser outside Tennessee, prior to the recipients' receipt of the direct mail in Tennessee.
	2.14 Accelerated Payments on Lease/Rentals	Yes	No	Statute/Rule Cite	Comment
Credits 2.14	The credit provided for in 2.1 and 2.2 includes the "tax paid" to another state or local jurisdiction on a lease/rental transaction based on the sum of the lease payments ("accelerated basis"), against the "sales or use taxes" due on the balance of the lease/rental payments.	X		T.C.A. 67-6-507 (a) and 67-6-313(f) Rule 1320-05-01-.91(1)	
	2.15 Inception-Deferred Collection on Lease/Rentals	Yes	No	Statute/Rule Cite	Comment
Credits 2.15	The credit provided for in 2.1 and 2.2 includes the "tax paid" to another state or local jurisdiction on a lease/rental transaction based on a deferred collection/remittance method against the "sales or use taxes" due on the balance of the lease/rental payments.		X	T.C.A. 67-6-507 (a) and 67-6-313(f) Rule 1320-05-01-.91(1)	To receive credit the tax must be paid.
	2.16 Lessor Acquisition	Yes	No	Statute/Rule Cite	Comment
Credits 2.16	The credit provided for in 2.1 and 2.2 includes the "tax paid" by the lessor to another state or local jurisdiction on the acquisition of the product against the "sales or use taxes" due on the balance of the lease/rental payments provided the tax reimbursement is documented and disclosed to the lessee.		X	T.C.A. 67-6-204	Tangible personal property purchased for use exclusively to lease or rent may be purchased on a resale certificate. Lessors paying sales or use tax on the purchase of property in another state that is leased in Tennessee must obtain a refund from the other state for the tax paid in the other state on acquisition of property for lease in Tennessee. Tennessee tax is imposed on the lease payments.

Disclosed Practice 3 - Tax Administration Practices on Liability Relief from Appendix E of the SSUTA (Note: These tax administration practices address whether a member state provides liability relief although the state is only required to provide relief "to the extent possible," as specified in sections 328(C) and (D) of the Agreement.)		Does Your State Follow this Practice?		If You Answered No, Describe the Difference Between the Practice as Adopted by the Governing Board and Your state's Treatment. Add Additional Comments if Desired.	
Reference Number	Disclosed Practice 3 – Liability Relief	Yes	No	Statute/Rule Cite	Comment
	Disclosed Practice 3.1 - Liability relief for erroneous information in the tax administration practices section of the taxability matrix	If you answer "Yes" to 3.1, you do not need to complete 3.1.a, b, and c below.	If you answer "No" to 3.1, please complete 3.1.a, b, and c below.		
Liability Relief 3.1	The State provides sellers and CSPs with liability relief for tax, interest and penalties if the sellers and CSPs charged and collected the incorrect tax due to erroneous information in the tax administration practices section of the taxability matrix.	X		T.C.A. 67-6-537(d)	
Liability Relief 3.1.a.	Liability Relief for Tax				
Liability Relief 3.1.b.	Liability Relief for Interest				
Liability Relief 3.1.c.	Liability Relief for Penalties				

	Disclosed Practice 3.2 - Extended liability relief for changes to the tax administration practices section of the taxability matrix	If you answer "Yes" to 3.2, you do not need to complete 3.2.a, b, and c below.	If you answer "No" to 3.2, please complete 3.2.a, b, and c below.		
Liability Relief 3.2	When the State makes a change to its tax administration practice section of the taxability matrix, the State provides sellers and CSPs with liability relief for the tax, interest and penalties for having charged and collected the incorrect tax until the first day of the calendar month that is at least 30 days after notice of the change to the state's tax administration practices section of the taxability matrix is submitted to the governing board, provided the seller or CSP relied on the prior version of the taxability matrix.		X		
Liability Relief 3.2.a.	Liability Relief for Tax		X		
Liability Relief 3.2.b.	Liability Relief for Interest		X		
Liability Relief 3.2.c.	Liability Relief for Penalties		X		
	Disclosed Practice 3.3 Extended liability relief for changes to the library of definitions section of the taxability matrix	If you answer "Yes" to 3.3, you do not need to complete 3.3.a, b, and c below.	If you answer "No" to 3.3, please complete 3.3.a, b, and c below.		

Liability Relief 3.3	When the State makes a change to the library of definitions section of its taxability matrix, the State provides sellers and CSPs with liability relief for the tax, interest and penalties for having charged and collected the incorrect tax until the first day of the calendar month that is at least 30 days after notice of the change to the member state's library of definitions section of the taxability matrix is submitted to the governing board, provided the seller or CSP relied on the prior version of the taxability matrix.		X		However, the Commissioner may determine it is appropriate and instruct Audit that no assessment should be for the first 30 days a statute is in effect and to remove such sales data for that tax reporting period from samples.
Liability Relief 3.3.a.	Liability Relief for Tax		X		
Liability Relief 3.3.b.	Liability Relief for Interest		X		
Liability Relief 3.3.c.	Liability Relief for Penalties		X		
Disclosed Practice 4 - Tax Administration Practices on Acceptance of Limited Power-of-Attorney/Agent Authorization (Limited POA/AA) Form from Appendix E of the SSUTA		Does Your State Follow this Practice?		If You Answered No, Describe the Difference Between the Practice as Adopted by the Governing Board and Your state's Treatment. Add Additional Comments if Desired.	
Reference Number	Disclosed Practice 4 – Acceptance of Limited Power-of-Attorney/Agent Authorization Form – Form F0023				
Disclosed Practice 4.1	Acceptance of Form F0023 From CSPs	Yes	No	Statute/Rule Cite	Comment
Limited POA/AA 4.1	The member state will accept a signed copy of the Limited Power of Attorney/Agent Authorization form posted to the governing Board's website, as sufficient authority for the state to disclose to the CSP any confidential information of the seller necessary to allow the CSP to fulfill its obligations under its contract with the governing board and to fulfill its responsibilities to the seller under Section 501 of the Agreement.	X			

Disclosed Practice 4.2	Acceptance of Form F0023 From Persons Other Than CSPs	Yes	No	Statute/Rule Cite	Comment
Limited POA/AA 4.2	The member state will accept a signed copy of the Limited Power of Attorney/Agent Authorization form posted to the governing Board's website, as sufficient authority for the state to disclose to the seller's appointed agent, other than a CSP, any confidential information of the seller as authorized on the form to allow the agent to fulfill its obligations to the seller.	X			
Disclosed Practice 5. Tax Administration Practices on Post Transaction Issues from Appendix E of the SSUTA		Does Your State Follow this Practice?		If You Answered No, Describe the Difference Between the Practice as Adopted by the Governing Board and Your state's Treatment. Add Additional Comments if Desired.	

Reference Number	Disclosed Practice 5 – Post Transaction Issues Unless indicated otherwise throughout Disclosed Practice 5: <ul style="list-style-type: none"> · Use of the word "tax" means the sales or use tax paid by the customer to the seller which was timely remitted by the seller to the state; · Use of the word "refund" includes a credit unless otherwise stated; · Unless otherwise stated, the refund is being claimed within the state's statute of limitations; · Unless otherwise stated, the seller has refunded the tax to the customer; · The tax rates used in the examples are for illustrative purposes only and are presumed to be correct; · The seller is not engaged in fraud or making intentional misrepresentations; · The seller maintains proper books and records to substantiate taxes collected and remitted based on the applicable state's requirements; · The disclosed practices do not apply to sales of motor vehicles; · The disclosed practices relate to products voluntarily returned by the customer and accepted by the seller (e.g., does not include repossessed products) and; · The disclosed practices only provide general guidance and assume there are no other unique circumstances that apply. 				
	Disclosed Practice 5.1 - Refund Procedure Document	Yes	No	Statute/Rule Cite	Comment

Post Transactions 5.1	Does your state have written guidance on your website, or otherwise, that explains how sellers and/or customers can properly obtain a tax refund from your state? (If "yes", please provide a website link and/or indicate how a person can obtain guidance in the comment section.)	X			http://www.tn.gov/revenue/taxes/sales-and-use-tax/forms.html Under Other Forms click on: Claim for Credit or Refund of Sales or Use Tax A claim for refund of sales or use tax may also be filed through the Tennessee Taxpayer Access Point (TNTAP). https://tntap.tn.gov/eservices/_/
	Disclosed Practice 5.2 - When does your state's statute of limitations begin for a seller to obtain a refund of tax paid for products returned by a customer?	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.2.a.	It begins on the due date of the tax return on which the tax was required to be reported by the seller to the state.		X		
Post Transactions 5.2.b.	It begins on the date the tax on the sale was due by the seller to the state.		X		
Post Transactions 5.2.c.	It begins on the date the tax was remitted to the state or the due date of the tax return, whichever is later.		X		
Post Transactions 5.2.d.	It begins on the date the customer returns the product (such as a rescission of sale) to the seller and receives the refund from the seller.		X		
Post Transactions 5.2.e.	Other - If the state's answers to 5.2.a. – 5.2.d. were all "no", check "yes" and explain when the statute of limitations for a seller's claim begins in the comments section.	X		T.C.A. 67-1-1802(a)(1)	A completed claim for refund must be filed within three years from December 31 of the year in which the tax was paid to the Commissioner of Revenue. Statute of limitations for a refund begins on December 31 of the year the tax was paid to the Department.

	Disclosed Practice 5.3 - How long is your state's statute of limitations time period for a seller to claim a tax refund on products returned by a customer?	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.3.a.	A three-year statute of limitations (that begins based on the state's response in 5.2) for a seller to make a refund request to the state.	X		T.C.A. 67-1-1802(a)(1)	
Post Transactions 5.3.b.	A four-year statute of limitations (that begins based on the state's response in 5.2) for a seller to make a refund request to the state.		X		
Post Transactions 5.3.c.	If the answers to both 5.3.a. and 5.3.b., were "no" please indicate "yes" and provide your state's time period for a seller to make a refund request to the state in the comments.				NA
	Disclosed Practice 5.4 - Documentation to Prove Refund of Tax to Customer	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.4	Will your state accept the seller's electronic sales receipts that identify the product purchased, the date purchased, the tax collected, the product returned, the date refunded and the tax refunded to the customer to prove that a customer paid tax?		X	Rule 1320-05-01-.50 Rule 1320-05-01-.79	The documentation must clearly identify the purchaser in addition to the product purchased, purchase date, tax collected, return date, product returned, refund date, and price and tax refunded. Cash receipts, register tapes or other forms of receipts or invoices that do not identify the purchaser cannot be accepted.
	Disclosed Practice 5.5 - How does a seller obtain a refund of tax refunded to their customer? (Credit on Current Tax Return, Subsequent Tax Return or Refund Claim)	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.5.a.	Does your state allow a seller to take a credit (or net) on its tax return to report the original sale if the product was returned prior to the seller filing that tax return? If this is required, note that in comments section.	X		T.C.A. 67-6-507(c)	

Post Transactions 5.5.b.	Subject to the state's statute of limitations, does your state allow a seller to take a credit (or net) during the reporting period when the product was returned if the product is returned in a different reporting period than the original sale? If this is required, note that in comments section.	X		T.C.A. 67-6-507(c)	
Post Transactions 5.5.c.	Subject to the state's statute of limitations, does your state allow the seller to file an amended tax return and/or refund claim when the product is returned after the seller filed its tax return to the state to report the original sale? If this is required, note that in comments section.	X		T.C.A. 67-6-507(c)	Tennessee would prefer the seller claim the credit on its sales and use tax return for the reporting period in which the customer is refunded. However, a claim for refund may be filed if the business is closed.
	Disclosed Practice 5.6 - May the seller process the refund and additional charges in one transaction on a single invoice?	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.6.a.	Does your state allow the seller to obtain a refund from the state if the seller subtracts from the original sales price any charges imposed by the seller to make a return (understanding the tax must be collected on any taxable charges)? If your state has exceptions note those exceptions in the comments section.	X		Rule 1320-05-01.79	Seller must refund the tax collected to the purchaser. A seller's records must show that customers have been refunded the Tennessee sales or use tax, or that they have been given credit for such Tennessee tax.
Post Transactions 5.6.b.	If the answer to 5.6.a. was "no," does your state allow the seller to obtain a refund from the state if it provides a full refund, including the tax, but subsequently imposes any service charges (and imposing any applicable tax) to the customer as a separate transaction on a separate invoice?	X			
	Disclosed Practice 5.7 - Taxability of Return Fees	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.7.a.	Does your state impose tax on restocking fees or return fees that are not directly associated with the use of a returned product?		X		Tennessee does not impose sales tax on restocking fees.
Post Transactions 5.7.b.	Does your state impose a sales tax on a charge for the use (e.g. wear and tear) of a product?	X		T.C.A. 67-6-507(c)	Seller is only entitled to a credit for the amount of the purchase price and the tax thereon that is refunded to the purchaser.

	Disclosed Practice 5.8 - Cash/Credit Refund versus Store Credit	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.8	Does your state treat the refund in the form of store credit the same as a cash refund for returned products?	X			
	Disclosed Practice 5.9 - Simultaneous Return and Sale	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.9.a.	Does your state allow the seller to only collect and remit the additional tax on the price difference of a returned product when the replacement product costs more? If no, explain in the comments section.	X		Rule 1320-05-01-.79	A seller's records must show that customers have been refunded the Tennessee sales or use tax, or that they have been given credit for such Tennessee tax. The sellers records must show the refund of the full amount of tax and additional charge for the correct full amount of tax for additional purchases.
Post Transactions 5.9.b.	Does your state allow the seller to obtain a refund from the state for the price difference of a returned product when the replacement product costs less? If no, explain in the comments.	X		T.C.A. 67-6-507(c)	
	Disclosed Practice 5.10 - Refund Pending State Approval	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.10.a.	Will your state refund or credit a seller for tax erroneously collected and remitted to the state prior to the seller refunding the customer the tax if the seller does not have a written agreement to refund the tax to the customer?		X	Public Chapter 480 (2021) T.C.A. 67-1-1802 Rule 1320-05-01-.79	Sales or use taxes which were collected from or passed on to customers by the taxpayer shall not be refunded to the seller, unless the seller has refunded or credited the sales or use tax to its customers.
Post Transactions 5.10.b.	If you answered "no" to disclosed practice 5.10.a., if the seller has a written agreement that it will refund the tax to the customer if the state approves the refund, will your state refund or credit a seller for tax erroneously collected and remitted to the state prior to the seller refunding the customer the tax?		X	T.C.A. 67-1-1802 Rule 1320-05-01-.79	The taxpayer may issue a credit memo to the customer with the understanding that the customer will not use the credit memo until the refund claim has been approved and refunded.

Post Transactions 5.10.c.	Does your state require the seller to refund the tax to the customer prior to obtaining a refund from the state?	X		Public Chapter 480 (2021) T.C.A. 67-1-1802 Rule 1320-05-01-.79	
	Disclosed Practice 5.11 - Seller Refund When Customer Did Not Pay Tax	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.11	Can the seller, who remitted the tax to the state, obtain a refund of the tax paid to the state if the customer refuses to pay the tax because the customer correctly asserted the transaction was exempt under the state's laws?	X		T.C.A. 67-1-1802 Rule 1320-05-01-.79	If the customer gave the seller an exemption certificate after the seller remitted the tax with its return, the seller must submit a copy of the exemption documentation, invoice, and credit memorandum adjusting the customer's account.
	Disclosed Practice 5.12 - Returned Product to Seller in Another State	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.12	The customer has the original sales receipt indicating your state's tax was charged. If the product is returned in another state, will your state allow the seller to claim the refund of the tax paid to your state?	X		T.C.A. 67-1-1802 Rule 1320-05-01-.79	A seller's records must show that customers have been refunded the Tennessee sales or use tax, or that they have been given credit for such Tennessee tax.
	Disclosed Practice 5.13 - Returned Product to Seller in Another Local Jurisdiction Within the Same State	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.13	The customer has the original sales receipt indicating the tax was charged for a local jurisdiction in your state. The product is returned in your state in a different local jurisdiction. Does your state require the seller to claim the refund of the tax paid to the original local jurisdiction?		X	T.C.A. 67-6-507(c)	The seller may claim the credit on sales and use tax return for the Tennessee location accepting the returned merchandise and refunding the customer.
	Disclosed Practice 5.14 - Returned Product with No Receipt	Yes	No	Statute/Rule Cite	Comment

Post Transactions 5.14	If a seller refunds tax to a customer, without a receipt, using the tax rate at the store where the return was made and the price of the returned product at the store at that time, will your state allow the seller to receive a refund or credit of this tax from the state? Note in the comments section any special documentation the seller needs to provide the state.	X		T.C.A. 67-6-507(c)	The documentation must clearly identify the purchaser name and address in addition to return date, product returned, refund date, and price and tax refunded. Cash receipts, register tapes or other forms of receipts or invoices that do not identify the purchaser cannot be accepted.
	Disclosed Practice 5.15 - Customer Directly Filing for a Refund	Yes	No	Statute/Rule Cite	Comment
Post Transactions 5.15.a.	Does the state give customers the option to request a tax refund directly from the state (i.e., the customer is not required to make the request through the seller)? Note any special requirements that may apply, such as minimum dollar thresholds, in the comment section.		X	Public Chapter 480 (2021) T.C.A. 67-1-1802 Rule 1320-05-01-.79	Not an option for customers. Certain exemption/refunds related to; pollution control, certified green energy production facilities, and refunds where an individual paid the use tax directly to a County Clerk may be obtained directly from the Department of Revenue. If the refund claim is \$2,500 or greater and the seller will not refund the sales tax to the customer after 2 requests, the customer may request a refund directly from the Commissioner of Revenue. See Public Chapter 480 (2021) for details.
Post Transactions 5.15.b.	If the answer to disclosed practice 5.15.a. was "no," does the state allow a customer to obtain a tax refund from the state when the seller cannot be found or refuses to refund the tax to a customer? If "yes", provide details in the comment section.	X		Public Chapter 480 (2021) T.C.A. 67-1-1802	If the refund claim is \$2,500 or greater and the seller will not refund the sales tax to the customer after 2 requests, the customer may request a refund directly from the Department of Revenue. Otherwise refunds can only be made to parties paying the tax directly to the Commissioner of Revenue. See Public Chapter 480 (2021) for details.

Disclosed Practice 6. Tax Administration Practices on Determining the Earliest Possible Date to Register Without It Adversely Affecting a Voluntary Disclosure Agreement (VDA) from Appendix E of the SSUTA		Does Your State Follow this Practice?		If You Answered Yes, Describe the Adverse Affect on the VDA. Add Additional Comments if Desired.	
Reference Number	Disclosed Practice 6.1 - For each of the scenarios below, indicate whether registration to collect and remit sales and use taxes with your state adversely affects a VDA.	Yes	No	Statute/Rule Cite	Comment
Voluntary Disclosure Agreement 6.1.a.	A seller's registration prior to the seller (or its representative) submitting the state's voluntary disclosure agreement (VDA) application will adversely affect the seller's VDA with the state.	X			The Department must not have contacted the taxpayer concerning the previous tax liability. Contact could include an inquiry letter or phone call from an auditor to set up an appointment. Taxpayer must not be registered for the tax type that is the subject of the agreement.
Voluntary Disclosure Agreement 6.1.b.	A seller's registration after the seller (or its representative) submits the state's voluntary disclosure agreement (VDA) application, but before either the seller or the state signs the actual VDA will adversely affect the VDA with the state.	X			
Voluntary Disclosure Agreement 6.1.c.	A seller's registration after the state signs the actual voluntary disclosure agreement (VDA) but before the seller signs the VDA will adversely affect the VDA.	X			

Disclosed Practice 7. Tax Administration Practices on Medical Products Identified in SSTGB Rules and Procedures Appendix L as "Not Classified by SSTGB" from Appendix E of the SSUTA. States may classify one or more of the "Not Defined" products listed in Appendix L under one of the SSUTA definitions or a state-specific definition, other than "tangible personal property."		Does Your State Follow this Practice?		Add Additional Comments if Desired	
Reference Number	Disclosed Practice 7 - Classification of Medical Products in Appendix L Identified as "Not Classified by SSTGB"	Yes	No	Statute/Rule Cite	Comment
Medical Products 7.1	Does the state classify any of the items listed below in Medical Products Disclosed Practice 7.2 as clothing, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or under a different state-specific definition (other than tangible personal property)? If yes, see Medical Products Disclosed Practice 7.2 for the classification. If no, Medical Products Disclosed Practice 7.2 does not need to be completed.		X	N/A	Tennessee follows Appendix L, Healthcare Products List, and does not have any other specific defined medical terms. Products that are not defined using streamlined terms are either taxable as tangible personal property or there is a separate exemption for the product.
Medical Products 7.2	<p>Place a check in the appropriate column if the item is classified under one of those terms, provide the appropriate statute/rule cite and indicate in the Comment column the defined term under which the item is classified. If the product is not classified under any of the terms listed in Medical Products Disclosed Practice 7.1 or a state-specific defined term do not check either column.</p> <p>These tax administration practices identify how each state classified the products identified as "Not Classified by SSTGB" in Appendix L, but do not indicate the taxability of those products.</p>				

	Product	SSUTA Defined Term	State Specific Defined Term	Statute/Rule Cite	Comment (if applicable, indicate defined term under which the item is classified)
Medical Products 7.2.a	Air purifier				
Medical Products 7.2.b	Bed pads - Disposable - for incontinent patients (Disposable pad placed on beds to keep sheets dry and wick moisture away from the patient. Used for incontinent patients.)				
Medical Products 7.2.c	Blankets - Other than baby receiving blankets				
Medical Products 7.2.d	Breast pumps (See Reference #s 52500-52512)				
Medical Products 7.2.e	Closed caption devices				
Medical Products 7.2.f	Cold packs and Hot packs (reusable)				
Medical Products 7.2.g	Collection bags - Body fluid collection (For collection and sending to lab for testing)				
Medical Products 7.2.h	Denture adhesive				
Medical Products 7.2.i	Dialysis Bags - Peritoneal Dialysis Drain				

Medical Products 7.2.j	Dialyzers - Single Use (A dialyzer is an artificial kidney designed to provide controllable transfer of solutes and water across a semi permeable membrane separating flowing blood and dialysate streams. The transfer processes are diffusion (dialysis) and convection (ultrafiltration). There are three basic dialyzer designs: coil, parallel plate, and hollow fiber configurations. Filter that is incorporated in machine.)		X	T.C.A. 67-6-314(4)	
Medical Products 7.2.k	Dressings - Compression - Non Medicated (Ace Bandages)				
Medical Products 7.2.l	Dressings - Elastic - Non Medicated (Non-Ace bandages to hold dressings)				
Medical Products 7.2.m	Dressings - Gauze Wraps (Tube gauze, Gauze Wraps)				
Medical Products 7.2.n	Dressings - General (Pads, sponges, tapes and adherents, elastic, compression, gauze)				
Medical Products 7.2.o	Dressings - Non-Medicated (Dressings containing a substance which is neither a RX or OTC drug)				
Medical Products 7.2.p	Dressings - Wound Care - Skin Barrier Products (Sprays, cream)				
Medical Products 7.2.q	Eating utensils - Adjustable				
Medical Products 7.2.r	ECG Monitor - Implanted				

Medical Products 7.2.s	Fever thermometers - Disposable/SPU				
Medical Products 7.2.t	Gases - Non-Medical Grade				
Medical Products 7.2.u	Gases - Tanks for (Empty - Tanks only)				
Medical Products 7.2.v	Glucose for Insulin Reactions (Tablets, liquid)				
Medical Products 7.2.w	Infuser Bags (Pressure Infuser bags - used to administer intravenous fluids under pressure at any angle to patients in pre-hospital or emergency room settings - Disposable)				
Medical Products 7.2.x	IV Therapy arm boards-Disposable				
Medical Products 7.2.y	IV Therapy Tourniquets - SPU (Disposable)				
Medical Products 7.2.z	Laboratory equipment (Microscopes, incubators, refrigerators, centrifuges)				
Medical Products 7.2.aa	Medical atomizers - Disposable (An atomizer that gives controlled delivery of topical anesthetics and other drugs. Used primarily for nasal or oral drug delivery. This version of atomizers is disposable.)				
Medical Products 7.2.ab	Medical Instruments - Disposable (Clamps, drills, endlinear cutter, forceps, retractors, scalpels, reamers, scissors, trocar)				

Medical Products 7.2.ac	Nasal strips (Flexible spring like band that fits above the nostrils and lifts the sides of the nose when they try to straighten back to their original shape.)				
Medical Products 7.2.ad	Needleless Drug Delivery System - Injection Guns (Disposable)				
Medical Products 7.2.ae	Needles - Wound Closure - Suturing (Disposable)				
Medical Products 7.2.af	Needles & Syringes - Acupuncture needles (Reusable)				
Medical Products 7.2.ag	Needles & Syringes - Needles - Aspirating				
Medical Products 7.2.ah	Needles & Syringes - Needles - Biopsy				
Medical Products 7.2.ai	Needles & Syringes - Needles - Blood Draw/Access				
Medical Products 7.2.aj	Needles & Syringes - Needles - Hypodermic				
Medical Products 7.2.ak	Needles & Syringes - Needles - Hypodermic - Insulin		X	T.C.A. 67-6-314(7)	
Medical Products 7.2.al	Needles & Syringes - Needles - Not Inject/Drain (Parts to machines)				
Medical Products 7.2.am	Needles & Syringes - Needles/Syr Pckgd Tog				

Medical Products 7.2.an	Needles & Syringes - Syringe - Cannula Package (Interlink System -- Separate Needle-less infusion device from IV sets - Stand alone items)				
Medical Products 7.2.ao	Needles & Syringes - Syringes				
Medical Products 7.2.ap	Needles & Syringes - Syringes - Insulin		X	T.C.A. 67-6-314(7)	
Medical Products 7.2.aq	Needles & Syringes - Syringes - Not Inject/Drain (Irrigation (Toomey), oral and ear)				
Medical Products 7.2.ar	Ostomy - Barriers (Barrier prep wipes, barrier powder)		X	T.C.A. 67-6-314(10)	
Medical Products 7.2.as	Ostomy - Cleaners / Skin Prep (Skin prep peri-wash, ostomy cleanser, cleanser deodorants, adhesive remover)		X	T.C.A. 67-6-314(10)	
Medical Products 7.2.at	Ostomy - Lubricants (Lubricants, lubricant jelly, stoma lubricant)		X	T.C.A. 67-6-314(10)	
Medical Products 7.2.au	Paraffin wax (Wax used in paraffin baths. Paraffin heat therapy provides moist heat to warm joints tissue and skin. Used in the treatment of arthritis and joint injuries.)				
Medical Products 7.2.av	Physical Therapy -Equipment & Tools (Exerbands, weights, bikes, treadmills, rowers, parallel bars from #212)				

Medical Products 7.2.aw	Resuscitators - Disposable				
Medical Products 7.2.ax	Safety equipment (Goggles, shields)				
Medical Products 7.2.ay	Seat Cushions - Comfort (General use cushions that do not primarily and customarily serve a medical purpose.)				
Medical Products 7.2.az	Sitz bath				
Medical Products 7.2.ba	Skin closures (These are called butterfly bandages, steri-strips, cover strips, or suture strips and are variations of sterile adhesive skin closures designed to hold the edges of a skin wound together.)				
Medical Products 7.2.bb	Spas, hot or cold (Spas which are available for sale to the general public and not specifically manufactured for medical purposes.)				
Medical Products 7.2.bc	Staple Remover - Wound Closure (Disposable)				
Medical Products 7.2.bd	Stapler - Empty - one Use Only				
Medical Products 7.2.be	Sterilizers - Chemical				

Medical Products 7.2.bf	<p>Suction Catheter</p> <p>(This catheter is used for the removal of respiratory tract secretions. The catheter is inserted through tracheal and tracheostomy tubes. Four eyes at the catheter's tip serve as vacuum breakers to help prevent tissue from being pulled into the tube. Since suctioning removes the patient's air supply, suction should not exceed 10 seconds duration. Suction catheters are intended for single use only.)</p>				
Medical Products 7.2.bg	<p>Therapy - Cold</p> <p>(Cold compression)</p>				
Medical Products 7.2.bh	<p>Therapy - Heat</p> <p>(Heat warmers)</p>				
Medical Products 7.2.bi	<p>Tongue depressors</p>				
Medical Products 7.2.bj	<p>Transducer gel</p>				
Medical Products 7.2.bk	<p>Venous blood sets</p>				
Medical Products 7.2.bl	<p>Visually Impaired Supplies & Equipment - Other</p>				
Medical Products 7.2.bm	<p>X-Ray developer solution</p>				

<p>Disclosed Practice 8 – Collection and Remittance Requirements Related to Remote Sellers, Marketplace Sellers, and Marketplace Facilitators/Providers from Appendix E of the SSUTA. NOTE: Additional explanatory information and examples can be found in Appendix E of the SSUTA.</p> <p>Unless otherwise specified, Disclosed Practice 8 only applies to the states' sales and use tax laws, and not to other taxes or other regulatory registration requirements.</p> <p>(These tax administration practices address how a member state administers its sales and use tax economic nexus, remote seller, and marketplace facilitator/provider statutes. The United States Supreme Court (SCOTUS) ruled in <i>South Dakota v. Wayfair</i> (https://www.supremecourt.gov/opinions/17pdf/17-494_j4el.pdf) on June 21, 2018, that states can require sellers to collect and remit sales or use tax on sales delivered to locations within their state even if the seller does not have a physical presence in the state.)</p> <p>Unless otherwise noted, States should answer every disclosed practice question/statement.</p>		<p>Does Your State Follow this Practice?</p>		<p>Does Your State Follow this Practice? If You Answered No, Describe the Difference Between the Practice as Adopted by the Governing Board and Your state's Treatment. Add Additional Comments if desired.</p>	
Reference Number	Disclosed Practice 8.1– Remote sellers	Yes	No	Statute/Rule Cite	Comment
	Economic Nexus Laws / Regulations			See: Remote Seller State Guidance (streamlinedsalestax.org) (https://www.streamlinedsalestax.org/for-	
General Definition	<p>For purposes of Disclosed Practice 8.1.a</p> <p>"Remote Seller" is generally a seller that does not have any physical presence in a state (no property or employees) but who sells products or services for delivery into that state.</p> <p>A remote seller includes a "marketplace seller" that does not have a physical presence in the state. (Note: A state may allow a seller to have limited physical presence in the state and still treat the seller as a remote seller as provided in (A) and (B).)</p>			businesses/remote-seller-faqs/remote-seller-state-guidance)	

(A)(1) Inventory Controlled by 3rd Party	(A) (1) The State still treats a seller as a "Remote Seller" if the seller's <u>only</u> physical presence in the state is inventory owned by that seller that is in a third party's warehouse which the seller does not control (e.g., Marketplace Facilitator/Provider controls the movement of inventory). (Note, the exception in (A)(2) and/or (B) may also apply.)		X		
(A)(2) Inventory Seller Controls	(A)(2) The State still treats a seller as a "Remote Seller" if the seller's <u>only</u> physical presence in the state is inventory owned by that seller that is in a third party's warehouse and the seller controls the movement of the inventory. (Note, the exception in (A)(1) and/or (B) may also apply.)		X		
(B) Employees	(B) The State still treats a seller as a "Remote Seller" if the seller's <u>only</u> physical presence in the state is an employee that is not involved in making sales. If for purposes of Disclosed Practice 8.1.(B) the State distinguishes between retail and wholesale sales, the State will indicate it in the Comment column. (Note, the exception in (A) may also apply.)	X			
8.1.a.i.	<p>The State's Remote Seller monetary economic nexus threshold is "\$100,000" (i.e., either \$100,000 or more" or "more than \$100,000"). (Definition of "type of products" subject to the threshold calculation is addressed in 8.1.b.)</p> <p>If "Yes", indicate in the Comment column if the State's monetary economic nexus threshold is:</p> <ul style="list-style-type: none"> • "\$100,000 or more" or • "More than \$100,000". <p>If "No", indicate in the Comment column the dollar amount of the State's monetary economic nexus threshold and whether it is:</p> <ul style="list-style-type: none"> • "\$X or more" or • "More than \$X". <p>If the state does not have a monetary economic nexus threshold, indicate "No Threshold".</p>	X		T.C.A. 67-6-524(b)	Tennessee's economic nexus threshold is "more than \$100,000" in sales, excluding sales for resale, to consumers in Tennessee. Important Notice 20-14 https://www.tn.gov/revenue/taxes/sales-and-use-tax/out-of-state-dealers-marketplace-facilitators.html

Reference Number	Disclosed Practice 8.1.b. – What Type of Products Does the State Include in its Economic Nexus Threshold Calculation?	Yes	No	Statute/Rule Cite	Comment
Disclosed Practice 8.1.b.i.	<p>The State includes sales of all types of products (e.g., sales of tangible personal property, sales of digital good, sales of services) in its economic nexus threshold calculation.</p> <p>If no, indicate in the Comment column which types of product sales are included in the state’s economic nexus threshold.</p> <p>(Note: For purposes of these disclosed practices, the sales of the types of products identified in 8.1.b. are the sales to be considered when computing the state’s economic nexus threshold(s).)</p>	X		T.C.A. 67-6-501(a)	
Reference Number	Disclosed Practice 8.1.c. - How is the State’s Remote Seller Monetary Economic Nexus Threshold Calculated? – Only one answer should be “yes”.	Yes	No	Statute/Rule Cite	Comment
8.1.c.i. - GROSS	The State’s Remote Seller monetary economic nexus threshold is based on GROSS sales, gross revenue or gross receipts from all sales.		X		
8.1.c.ii. - RETAIL	The State’s Remote Seller monetary economic nexus threshold is based only on RETAIL sales (only excludes sales for resale).	X		T.C.A. 67-6-524(b)	Important Notice 20-14
8.1.c.iii. - TAXABLE	The State’s Remote Seller monetary economic nexus threshold is based only on TAXABLE sales (all sales that are taxable).		X		
8.1.c.iv. - OTHER	The State calculates the monetary economic nexus threshold based on something other than Gross, Retail or Taxable sales. Indicate in the Comment column what your state’s monetary economic nexus threshold is based on.		X		
Reference Number	Disclosed Practice 8.1.d. - What is the State’s Remote Seller Transactional Economic Nexus Threshold?	Yes	No	Statute/Rule Cite	Comment

8.1.d.i.	<p>The State's Remote Seller transactional economic nexus threshold is "200" (i.e., either "200 or more" or "more than 200") separate transactions. (What constitutes a "transaction" is explained in 8.1.e and 8.1.f)</p> <p>If "Yes" - Indicate in the comments if transactional threshold is:</p> <ul style="list-style-type: none"> • "200 or more transactions" or • "More than 200 transactions". <p>If "No" – Indicate in the Comment column the State's transactional economic nexus threshold and whether it is:</p> <ul style="list-style-type: none"> • "X transactions or more" or • "More than X transactions" <p>If the State does not have a transactional economic nexus threshold indicate "No Threshold" in the Comment column.</p>		X	T.C.A. 67-6-524(b)	NA, Tennessee does not have a transactional economic nexus threshold.
Reference Number	Disclosed Practice 8.1.e. - Which Transactions Are Used to Determine if a Seller Has Met a State's Transactional Economic Nexus Threshold?	Yes	No	Statute/Rule Cite	Comment
8.1.e.i	The State's Remote Seller transactional economic nexus threshold is calculated using the same transactions that are used to calculate the State's monetary economic nexus threshold (gross, retail or taxable) as indicated in Disclosed Practice 8.1.b.		X	T.C.A. 67-6-524(b)	NA, Tennessee does not have a transactional nexus threshold.
Reference Number	Disclosed Practice 8.1.f. - For Purposes of Computing the State's Transactional Economic Nexus Threshold, what is Considered a "Transaction"? Only one answer should be "Yes" for i., ii., or iii.	Yes	No	Statute/Rule Cite	Comment
8.1.f.i.	The State's Remote Seller transactional economic nexus threshold is based on the number of invoices.		X		NA

8.1.f.ii.	The State's Remote Seller transactional economic nexus threshold is based on the number of orders placed, regardless of whether multiple invoices or shipments are used to fulfill each order placed (e.g., if a single order is placed but it is delivered in three (3) separate shipments, it is considered one (1) transaction).		X		NA
8.1.f.iii.	The State's Remote Seller transactional economic nexus threshold is based on the quantity of items sold (each item on a single invoice is considered a separate transaction (e.g., a prepackaged box of the same product is one item (box of 12 pencils); however, multiple purchases of the same product are separate items (12 individual pencils)).		X		NA
8.1.f.iv.	An invoice that includes items to be delivered into multiple states is considered a transaction in this State if any of the items on the invoice are delivered into this State.		X		NA
Reference Number	Disclosed Practice 8.1.g. – Transaction with Multiple Payments	Yes	No	Statute/Rule Cite	Comment
8.1.g.i.	A transaction that requires multiple payments (e.g., monthly payments) is considered one transaction for purposes of the State's Remote Seller transactional economic nexus threshold (i.e., each payment is not considered a separate transaction).		X		NA
Reference Number	Disclosed Practice 8.1.h. – Does a Remote Seller who makes sales through a Marketplace Facilitator/Provider need to include the sales made through the marketplace in determining if it meets a state's economic nexus threshold?	Yes	No	Statute/Rule Cite	Comment
8.1.h.i.	A Remote Seller shall include its sales made through a Marketplace Facilitator/Provider that is registered in the State when determining if it meets or exceeds the state's economic nexus threshold.		X	T.C.A. 67-6-501(g)	Important Notice 20-15

8.1.h.ii.	A Remote Seller shall include its sales made through a Marketplace Facilitator/Provider that is <u>not</u> registered in the State when determining if it meets or exceeds the state's economic nexus threshold.	X		T.C.A. 67-6-501(g)	Important Notice 20-15
Reference Number	Disclosed Practice 8.1.i. - What period of time does the State base its a remote seller economic nexus threshold on? – Only one answer should be yes.	Yes	No	Statute/Rule Cite	Comment
8.1.i.i. - EITHER CURRENT or PREVIOUS YEAR	The State's economic nexus threshold is based on a Remote Seller exceeding the threshold in either the previous calendar year or current calendar year.		X		
8.1.i.ii. - ONLY PREVIOUS YEAR	The State's economic nexus threshold is based on a remote seller exceeding the threshold only in the previous calendar year.		X		
8.1.i.iii. - OTHER	The State's economic nexus threshold is based on a different period of time. (Provide the basis in the Comment column.)	X			The economic nexus threshold is based on a dealer making sales that exceed \$100,000 to consumers in Tennessee in the previous twelve month period. Important Notice 20-14
Reference Number	Disclosed Practice 8.1.j. – When does the State require a remote seller to register and begin collecting and remitting the applicable tax? – Only one answer should be yes.	Yes	No	Statute/Rule Cite	Comment
8.1.j.i.	The State requires a Remote Seller to register, collect and remit the tax on the next transaction after meeting or exceeding the threshold.		X		
8.1.j.ii.	The State requires a Remote Seller to register, collect and remit the tax by no later than the first day of the first calendar month that begins at least X days after meeting or exceeding the threshold. Indicate in the Comment column the number of days after the threshold is met that the seller is required to register and begin collecting and remitting the tax.		X		

8.1.j.iii.	Other. If the State's answer to 8.1.j.i and j.ii is "no" indicate in the Comment column when a Remote Seller must register and begin collecting and remitting the tax.	X		T.C.A. 67-6-524(b)	The remote seller is required to register on the first day of the third calendar month following the month in which the threshold was met. Important Notice 20-14
Reference Number	Disclosed Practice 8.1.k. - When is a remote seller who falls below a state's economic nexus threshold allowed to stop collecting and remitting the tax?	Yes	No	Statute/Rule Cite	Comment
8.1.k.i.	<p>A Remote Seller that falls below the State's Remote Seller economic nexus threshold(s) during the measurement period (See 8.1.i.) may cancel its registration or request inactive status any time after the measurement period ends.</p> <p>If yes, indicate in the Comment column if the remote seller can:</p> <ul style="list-style-type: none"> • Cancel the registration, or • Request inactive status. <p>If the answer is no, indicate in the Comment column when a Remote Seller can cancel their registration or request inactive status.</p>	X			The remote seller may <u>close its sales and use tax registration account (provide a cease date in TNTAP)</u> , when the remote seller no longer collects the tax because the remote seller no longer meets the Tennessee economic nexus threshold and has no physical presence in Tennessee. Once closed, the Tennessee resale certificate will no longer be valid for future purchases for resale.
Reference Number	Disclosed Practice 8.1.l. – What Type of Permit Does a Remote Seller Apply For? – Only one answer should be yes.	Yes	No	Statute/Rule Cite	Comment
8.1.l.i.	The State requires a Remote Seller to register to collect sales tax.		X		
8.1.l.ii.	The State requires a Remotes Seller to register to collect (seller's) use tax.		X		
8.1.l.iii.	The State requires a Remote Seller to register under a single registration to collect both sales and (seller's) use tax.	X		T.C.A. 67-6-524(b)	
8.1.l.iv.	The State allows a Remote Seller to register to collect either a sales or (seller's) use tax. If yes, please explain in Comment column any special circumstances.		X		

	Disclosed Practice 8.1.m. Can a Remote Seller that is not registered or required to be registered in any State provide an exemption certificate claiming sale for resale to a Seller located in this state and can that Seller accept that exemption certificate? More information on a state's acceptance of an exemption certificate is available at: Exemptions (streamlinedsalestax.org) (https://www.streamlinedsalestax.org/Shared-Pages/exemptions)	Yes	No	Statute/Rule Cite	Comment
8.1.m.i.	<p>A Remote Seller that is not registered or required to be registered in any State can provide an exemption certificate to a Seller in this State claiming a sale for resale for those items the Remote Seller will resell, and the Seller in this State may accept such exemption certificate.</p> <p>If yes, indicate in the Comment column what identification number, if any, the Remote Seller is required to put on the certificate?</p>	X		T.C.A. 67-6-102(81) Rule 1320-05-01-.62 Rule 1320-05-01-.29(2) Rule 1320-05-01-.68(1-3)	The remote seller may furnish its Tennessee vendor with a Streamlined Certificate of Exemption indicating that the remote seller is located outside of Tennessee and would be entitled to purchase such property for resale if the remote seller were a dealer in Tennessee. For foreign sellers that are not registered in any state, the foreign seller may use the Streamlined Certificate and provide documentation from its home county that it is a reseller entitled to purchase such property for resale.
8.1.m.ii.	<p>A Remote Seller that is not registered or not required to be registered in any State purchasing items for resale from a third- party supplier (drop shipper) who will deliver the items to the Remote Seller's customer located in this State can issue an exemption certificate claiming resale and the third-party supplier (drop shipper) can accept such exemption certificate. See SSUTA Sec. 317.A.8 for Drop Shipment requirements.</p> <p>If yes, indicate in the Comment column what identification number, if any, the Remote Seller is required to put on the exemption certificate.</p>	X		T.C.A. 67-6-102(81) Rule 1320-05-01-.62 Rule 1320-05-01-.29(2) Rule 1320-05-01-.96	Rule 1320-05-01-.96 provides a Tennessee resale certificate is required from a remote seller for its purchase of goods <u>from a Tennessee supplier that drop ships within the state to the remote seller's customers in Tennessee</u> . Otherwise, the drop shipper may obtain the remote seller's out-of-state or foreign resale certificate to document the sale for resale to the remote seller.
General definition of Marketplace Seller	Disclosed Practice 8.2 - Marketplace Sellers[Note: Most States enacted laws related to Marketplace Facilitators/Providers that resulted in a Marketplace Seller definition. A "Marketplace Seller" is generally a seller who sells products or services through a physical or electronic marketplace operated by a Marketplace Facilitator/Provider.]			See: https://www.streamlinedsalestax.org/for-businesses/marketplace-sellers (https://www.streamlinedsalestax.org/for-businesses/marketplace-sellers)	

Reference Number	Disclosed Practice 8.2.a - Does a State require a Marketplace Seller to register in the state when all sales are made through Marketplace Facilitators/Providers that are registered to collect and remit the tax on behalf of the Marketplace Sellers?	Yes	No	Statute/Rule Cite	Comment
8.2.a.i.	The State requires a Marketplace Seller that is a "Remote Seller" that sells exclusively through Marketplace Facilitators/Providers to register with the State.		X	T.C.A. 67-6-102(55) (56) and (57) 67-6-501(f) and (g)	The marketplace facilitator is collecting and remitting the Tennessee sales or use tax.
8.2.a.ii.	The State requires a Marketplace Seller <u>with a physical presence</u> (i.e., not a Remote Seller) that sells exclusively through Marketplace Facilitators/Providers to still register with the State.	X		T.C.A. 67-6-601 67-6-102(55) (56) and (57)	Note, the Tennessee seller will need a Tennessee resale certificate. The Tennessee seller may request alternative filing status (quarterly or annual filing) and file \$0 sales on its Tennessee return since it has no direct sales.
	Disclosed Practice 8.2.b – Does the State require a Marketplace Seller to include its sales (dollars and transactions) made through a Marketplace Facilitator/Provider in determining if it meets or exceeds the State’s economic nexus threshold?	Yes	No	Statute/Rule Cite	Comment
8.2.b.i.	The State requires a Marketplace Seller to include its sales (dollars and transactions) made through a Marketplace Facilitator/Provider in determining if it meets or exceeds the state’s economic nexus threshold. See Disclosed Practice 8.1.b. for which types of transactions must be included.		X	T.C.A. 67-6-501(g) 67-6-102(55) (56) and (57)	The marketplace facilitator is collecting and remitting the Tennessee sales or use tax. Important Notice 20-15 https://www.tn.gov/revenue/taxes/sales-and-use-tax/out-of-state-dealers-marketplace-facilitators.html
	Disclosed Practice 8.2.c – Does the State require a Marketplace Seller that is registered and filing in the State to include its marketplace sales in the total sales reported on its tax return and take a deduction as if the sales are exempt?	Yes	No	Statute/Rule Cite	Comment

8.2.c.i.	The State requires a Marketplace Seller registered and filing in the State to include its sales through a Marketplace Facilitator/Provider on its tax returns. (If yes, explain in Comment column on how the deduction is claimed for such sales.)		X	T.C.A. 67-6-501(g) 67-6-102(55) (56) and (57)	The marketplace facilitator is collecting and remitting the Tennessee sales or use tax. Important Notice 20-15 https://www.tn.gov/revenue/taxes/sales-and-use-tax/out-of-state-dealers-marketplace-facilitators.html
	Disclosed Practice 8.2.d – Does the State require a Marketplace Seller to maintain exemption documentation only for its direct sales, and not for sales made through a Marketplace Facilitator/Provider?	Yes	No	Statute/Rule Cite	Comment
8.2.d.i.	The State requires a Marketplace Seller to maintain exemption documentation only for its direct sales, and not for sales made through Marketplace Facilitators/Providers.	X		T.C.A. 67-6-102(55) (56) and (57) 67-6-501(f) and (g) Rule 1320-05-01-.78 Rule 1320-05-01-.80	The marketplace facilitator is liable for its sales and the marketplace sales it facilitates and is responsible for its own exemption documentation.
	Disclosed Practice 8.2.e – Does the State allow a Marketplace Seller to rely upon a customer’s exemption documentation for its direct sales, even where the exemption documentation is maintained by a Marketplace Facilitator/Provider?	Yes	No	Statute/Rule Cite	Comment
8.2.e.i.	The State allows a Marketplace Seller to rely upon a customer’s exemption documentation for its direct sales even though that exemption documentation is maintained by a Marketplace Facilitator/Provider (e.g., Marketplace Seller has access to the Marketplace Facilitator’s/Provider’s exemption documentation).		X	T.C.A. 67-6-501(f) and (g) 67-6-102(55) (56) and (57) Rule 1320-05-01-.78 Rule 1320-05-01-.80	The marketplace facilitator registered in Tennessee is liable for its sales and the marketplace sales it facilitates. The marketplace seller is liable only for its direct sales. Each of the dealers is required to keep its own books and records to evidence exempt sales.
	Disclosed Practice 8.2.f – Can a Marketplace Seller that is not registered or not required to be registered in any State issue an exemption certificate to a Seller located in this State claiming sale for resale and can that Seller accept that exemption certificate?	Yes	No	Statute/Rule Cite	Comment

8.2.f.i	<p>A Marketplace Seller that is not registered or required to be registered in any State can issue an exemption certificate to a Seller located in this State claiming resale for those items the Marketplace Seller will resell and the Seller in this State may accept such exemption certificate.</p> <p>If yes, indicate in the Comment column what identification number, if any, the Marketplace Seller is required to put on the certificate.</p>	X		<p>T.C.A. 67-6-601 67-6-102(57) and (81) Rule 1320-05-01-.29(2) Rule 1320-05-01-.62 Rule 1320-05-01-.68(1-3)</p>	<p>Marketplace sellers located in Tennessee must register for sale and use tax in Tennessee even if sales are exclusively made through a marketplace facilitator that is collecting Tennessee sales or use tax. A Tennessee marketplace seller should have a Tennessee resale certificate. Remote sellers and foreign remote sellers may furnish its vendor with a fully completed Streamlined Certificate of Exemption to claim sales for resale.</p> <p>See 8.1.m.i. above. See Rule 1320-05-01-.29(2).</p>
8.2.f.ii.	<p>A Marketplace Seller that is not registered or not required to be registered in this State purchasing items for resale from a third- party supplier (drop shipper) who will deliver the items to the Marketplace Seller's customer located in this State can issue an exemption certificate claiming resale and the third-party supplier (drop shipper) can accept such exemption certificate. See SSUTA Sec. 317.A.8 for Drop Shipment requirements.</p> <p>If yes, indicate in the Comment column what identification number, if any, the Marketplace Seller is required to put on the certificate.</p>	X		<p>T.C.A. 67-6-601 67-6-102(57) and (81) Rule 1320-05-01-.29(2) Rule 1320-05-01-.62 Rule 1320-05-01-.96</p>	<p>A Tennessee resale certificate is required from a remote seller for its purchase of goods from a Tennessee supplier that drop ships within the state to the remote seller's customers in Tennessee. Otherwise, the drop shipper may obtain the remote seller's out of state or foreign resale certificate to document the sale for resale to the remote seller for goods drop shipped from out of state to consumers in Tennessee.</p> <p>See 8.1.m.ii.</p>
Reference Number	Disclosed Practice 8.2.g - Marketplace Seller Liability and Audits	Yes	No	Statute/Rule Cite	Comment
8.2.g.i.	<p>A Marketplace Seller is liable for the tax on sales made through a Marketplace Facilitator/Provider if the Marketplace Seller provides incorrect or insufficient information. (Explain in Comment column if there are exceptions to this rule.)</p>	X		<p>T.C.A. 67-6-515(d) 67-6-102(55) (56) and (57)</p>	<p>Marketplace facilitator must demonstrate that it made reasonable effort to obtain correct information from the marketplace seller.</p>

8.2g.ii.	The state has a written policy that explains when and how a Marketplace Seller is liable for tax and may be audited on sales made using Marketplace Facilitators/Providers (if yes, provide a reference to the location of the document in the Comment column).		X	T.C.A. 67-6-515(c) 67-6-102(55) (56) and (57)	The commissioner may not audit or assess taxes against marketplace sellers for sales facilitated by the marketplace facilitator except to the extent the facilitator was relieved of liability for incorrect information or pursuant to 67-6-501(f)(1-3).
Reference Number	Disclosed Practice 8.3 - Marketplace Facilitators/Providers	Yes	No	Statute/Rule Cite	Comment
	Marketplace Facilitator/Provider laws/regulations	X		See: www.streamlinedsalestax.org/for-businesses/marketplace-facilitator (https://www.streamlinedsalestax.org/for-businesses/marketplace-facilitator)	
Marketplace Facilitator General Definition***	For purposes of Disclosed Practice 8.3, a Marketplace Facilitator/Provider is generally a person who owns, operates or otherwise controls a physical or electronic marketplace and facilitates Marketplace Seller's sales that the Marketplace Facilitator/Provider either directly or indirectly through contracts, agreements, or other arrangements with third parties, collects the payment from the purchaser and transmits all or part of the payment to the Marketplace Seller.				
Reference Number	NCSL model definition of Marketplace Facilitator? (https://www.streamlinedsalestax.org/docs/default-source/misc-published/nctl-salt-model-marketplace-facilitator-legislation-6-2021.pdf?sfvrsn=2024eb8c_4)	Yes	No	Statute/Rule Cite	Comment
	The State has adopted (and/or follows) the NCSL model definition of Marketplace Facilitator?	X		T.C.A. 67-6-501(f) (g) and (h) 67-6-515 67-6-102(26) (27) (53) (55) (56) and (57)	
Reference Number	Disclosed Practice 8.3.a - Exceptions to Marketplace Facilitator/Provider Collection Requirements	Yes	No	Statute/Rule Cite	Comment

8.3.a.i.	<p>The State excludes a person as a Marketplace Facilitator/Provider if that person's sole activity with respect to the transaction with the Marketplace Seller is to provide payment processing services between the seller and purchaser.</p> <p>If the answer is no, please explain in the Comment column, including if the State's law is less restrictive, e.g., the payment processing activity is only the principal activity.</p>	X		T.C.A. 67-6-102(56)(B)(ii)	
8.3.a.ii.	<p>The State excludes from Marketplace Facilitator/Provider a person who only provides a platform for sellers to list items for sale and provides information that allows the buyer to contact the seller. However, the sales transaction and payment for the transaction occurs off the platform directly between the buyer and the seller.</p>	X		T.C.A. 67-6-102(56)(A)(ii)	
8.3.a.iii.	<p>The State excludes a person from being a Marketplace Facilitator/Provider if the person's participation is limited to listing items for sale and connecting purchasers to Sellers and the Marketplace Facilitator/Provider does not directly or indirectly enter into a contract, agreement, or other arrangement with an unaffiliated payment processor that is solely responsible for collecting funds from purchasers and disbursing those funds to Sellers.</p>	X		T.C.A. 67-6-102(56)(A)(ii)	
8.3.a.iv.	<p>The State excludes from Marketplace Facilitator/Provider a person exclusively providing advertising services.</p>	X		T.C.A. 67-6-102(56)(B)(i)	
8.3.a.v.	<p>The State excludes from Marketplace Facilitator/Provider a person that is registered with the Commodity Futures Trading Commission when using its platform services.</p>	X		T.C.A. 67-6-102(56)(B)(iii)	

8.3.a.vi.	The State requires a Marketplace Facilitator/Provider to collect tax on all types of taxable products (e.g., tangible personal property, digital goods, or services). If no, please explain in Comment column which types of taxable product the Marketplace Facilitator/Provider is required to collect on.	X		T.C.A. 67-6-515(a) 67-6-501(a) 67-6-102(56) and (23)(N)	
8.3.a.vii	Does the State exclude certain types of transactions from Marketplace Facilitator/Provider sales and use tax collection or remittance requirements (e.g., prepared food/grocery delivery services, hotel or travel intermediaries, car rental services, etc.)? If "yes," please indicate the exclusions in the Comment column.	X		T.C.A. 67-6-102(56)(B)(iv) 67-6-102(26) (27) (53) and (56)(B)(iv)	See delivery network company election to be deemed a marketplace facilitator. T.C.A. 67-6-102(56)(B)(iv).
Reference Number	Disclosed Practice 8.3.b. - Marketplace Facilitator/Provider Notification Requirements	Yes	No	Statute/Rule Cite	Comment
8.3.b.i.	The State requires a "Marketplace Facilitator/Provider" to provide notification or certification to its Marketplace Sellers that it is registered to collect and to remit the tax. (if yes, describe the method)		X		
8.3.b.ii.	The State requires a "Marketplace Facilitator/Provider" to provide notification or certification to the state tax agency that it is registered to collect and remit the tax? (if yes, describe the method)		X		
8.3.b.iii.	The State requires a "Marketplace Facilitator/Provider" to provide notification or certification to its Marketplace Sellers that it is no longer registered to collect and remit the tax as provided in 8.3.h. (If "yes," describe the method in the Comment column).		X		
Reference Number	Disclosed Practice 8.3.c – Does your State's Marketplace Facilitator/Provider law provide for a waiver of the Marketplace Facilitator/Provider registration, collection, and remittance requirement?	Yes	No	Statute/Rule Cite	Comment
8.3.c.i.	The State allows for a waiver of registration, collection, and remittance by the Marketplace Facilitator/Provider if substantially all of its Marketplace Sellers are registered with the State to remit the tax.	X		T.C.A. 67-6-501(f)(2)	

8.3.c.ii.	The State allows a Marketplace Seller to continue to collect and remit the tax if mutually agreed to by the Marketplace Facilitator/Provider <u>and if it is approved</u> by the revenue/tax agency.	X		T.C.A. 67-6-501(f)(3)	The marketplace seller must have annual gross sales in the United States of over one billion dollars, provide evidence is registered in Tennessee, and notify the commissioner that the marketplace seller will collect and remit all applicable taxes and is liable for failure to collect the Tennessee tax.
8.3.c.iii.	The State allows the Marketplace Seller to continue to remit the tax if mutually agreed to by the Marketplace Facilitator/Provider and the revenue/tax agency is notified. Indicate in the Comment column if any threshold requirements must be met before the Marketplace Seller can enter into such agreement .	X		T.C.A. 67-6-501(f)(3)	See 8.3.c.ii. above.
Reference Number	Disclosed Practice 8.3.d -Marketplace Facilitator/Provider Monetary Economic Nexus Threshold	Yes	No	Statute/Rule Cite	Comment
8.3.d.i.	The State's Marketplace Facilitator/Provider monetary economic nexus threshold and calculation is the same as Remote Sellers in Disclosed Practices 8.1. If different, answer "no" and indicate the monetary economic nexus threshold or calculation differences in the Comment column.	X		T.C.A. 67-6-501(f)	Tennessee economic nexus threshold is "more than \$100,000" in sales to consumers during the previous twelve month period. Effective October 1, 2020.
Reference Number	Disclosed Practice 8.3.e – Marketplace Facilitator/Provider Transactional Economic Nexus Threshold	Yes	No	Statute/Rule Cite	Comment
8.3.e.i.	The State's Marketplace Facilitator/Provider transactional economic nexus threshold and calculation is the same as Remote Sellers in Disclosed Practices 8.1. If different, please answer "no" and indicate the transactional economic nexus threshold or calculation differences in the Comment column.		X		NA, Tennessee does not have a transactional economic nexus threshold.

Reference Number	Disclosed Practice 8.3.f – Marketplace Facilitator/Provider Economic Nexus Measurement Period	Yes	No	Statute/Rule Cite	Comment
8.3.f.i.	The State's Marketplace Facilitator/Provider Economic Nexus Measurement Period is the same as Remote Sellers in Disclosed Practice 8.1. If different, please answer "no" and indicate measurement period in the Comment column.	X		T.C.A. 67-6-501(f)	See 8.3.d.i.
Reference Number	Disclosed Practice 8.3.g – Exceptions to Physical Presence	Yes	No	Statute/Rule Cite	Comment
8.3.g.i.	A Marketplace Facilitator's/Provider's physical presence is based solely on its presence and not on the presence of a Marketplace Seller.	X			
8.3.g.ii.	A Marketplace Facilitator/Provider who is below the state's economic nexus threshold(s) is excluded from collecting and remitting the state's tax if the Marketplace Facilitator/Provider only has employees located in the state that are not engaged in making sales (if applicable, please indicate any exceptions).	X			
	Disclosed Practice 8.3.h. – When is a Marketplace Facilitator/Provider that falls below a state's economic nexus threshold allowed to stop collecting and remitting the applicable tax?	Yes	No	Statute/Rule Cite	Comment
8.3.h.i.	The State allows a Marketplace Facilitator/Provider who falls below its Marketplace Facilitator/Provider economic nexus threshold during the measurement period to cancel its registration or request inactive status in the same manner as a Remote Seller in Disclosed Practice 8.1. If different, please answer "no" and indicate differences in the Comment column.	X			See 8.1.k.i.
Reference Number	Disclosed Practice 8.3.i. - What Type of Permit Does a Marketplace Facilitator/Provider Apply For?	Yes	No	Statute/Rule Cite	Comment

8.3.i.i.	The State's registration requirement for a Marketplace Facilitator/Provider is the same as Remote Sellers in Disclosed Practice 8.1. If different, please answer "no" and indicate type of registration in the Comment column.		X	T.C.A. 67-6-515(b)	The marketplace facilitator reports facilitated sales separately from its direct sales. Important Notice 20-15 https://www.tn.gov/revenue/taxes/sales-and-use-tax/out-of-state-dealers-marketplace-facilitators.html
Reference Number	Disclosed Practice 8.3.j. – What are the Registration and Reporting requirements for a Marketplace Facilitator/Provider?	Yes	No	Statute/Rule Cite	Comment
8.3.j.i.	A Marketplace Facilitator/Provider is only permitted to obtain a single registration and file a single return covering its own sales and those made on behalf of its Marketplace Sellers.		X		
8.3.j.ii.	A Marketplace Facilitator/Provider is permitted to register and file separate returns for its own sales and those made on behalf of Marketplace Sellers.		X		
8.3.j.iii.	Were the answers to 8.3.j.i and 8.3.j.ii both "no"? If so, explain in the comment column the registration and filing requirements for a Marketplace Facilitator/Provider.	X		T.C.A. 67-6-515(b)	The marketplace facilitator registers through TNTAP indicating it is a marketplace facilitator. The facilitator will have 1 sales and use tax account for consolidated filing and remittance and will report marketplace facilitated sales separately under 1 profile ID number and file its direct sales under separate profile ID numbers.
Reference Number	Disclosed Practice 8.3.k. – Voluntary Registration as a Marketplace Facilitator/Provider	Yes	No	Statute/Rule Cite	Comment
8.3.k.i.	The State allows a person that does not meet the State's definition of Marketplace Facilitator/Provider to voluntarily register to collect and remit the tax on behalf of its third-party sellers.	X		T.C.A. 67-6-531	The agreement to collect and remit sales and use tax for third-party sellers must be approved by the commissioner and be in the best interest of state. The third-party seller will remain liable for uncollected or unpaid tax.

8.3.k.ii.	<p>Will the State enter into an agreement that provides authority for a person to voluntarily register as a Marketplace Facilitator/Provider to collect and remit the tax on behalf of third- party sellers and have the same obligations, rights and protections as a “Marketplace Facilitator/Provider”?</p> <p>(Note: If a written agreement is required, provide requirements in the Comment column.)</p>		X		
Reference Number	Disclosed Practice 8.3.I. - Marketplace Facilitator/Provider Treatment as a Seller – A Marketplace Facilitator/Provider is treated as the seller for the following:	Yes	No	Statute/Rule Cite	Comment
8.3.l.i.	Refunds – The State allows Marketplace Facilitator/Provider to request a refund from the state in same manner as a seller/retailer.	X		T.C.A. 67-6-102 (56) and (23)(N) 67-6-1802	
8.3.l.ii.	Vendor discounts - The State applies timely filing/payment discounts/vendor allowances to Marketplace Facilitators/Providers in same manner as a seller/retailer.		X		Not applicable. Exception, if the marketplace facilitator enters into agreement with CSP and qualifies as a CSP compensated seller for CSP allowance under the SSUTA and CSP contract.
8.3.l.iii.	Exemption Documentation – The State allows sales made by Marketplace Facilitator/Provider to be exempt based on the Marketplace Facilitator/Provider having access to exemption documentation that is maintained by either the Marketplace Facilitator/Provider or Marketplace Seller.		X	T.C,A, 67-6-102(55) (56) and (57) 67-6-501(f) and (g) 67-6-102(23)(N) Rule 1320-05-01-.78 Rule 1320-05-01-.80	The marketplace facilitator registered in Tennessee is liable for its direct sales and the marketplace sales it facilitates. The marketplace seller is liable only for its direct sales. Each dealer is required to keep its own books and records to evidence exempt sales claimed by purchasers.

8.3.i.iv.	Coupons – The State allows coupons, whether issued by a Marketplace Facilitator/Provider or a Marketplace Seller to be deemed to be a retailer’s coupon/discount. (If “no,” indicate in Comment column how such coupons are treated.)	X		T.C.A. 67-6-102(85)(B)	Seller discounts are not included in sales price if allowed by the marketplace facilitator for its direct sales or the facilitated marketplace sales and the price reduction is not reimbursed by a third-party (e.g. marketplace seller).
8.3.i.v.	Bad Debts – The State allows a sales/use tax bad debt deduction based on the party that is able to claim the federal tax deduction under IRC 166, regardless of which party remitted the sales tax. (If “no”, indicate in the Comment column such restrictions.)		X	T.C.A. 67-6-507(e)	When the marketplace facilitator collects and remits Tennessee sales and use tax on marketplace sales it facilitates for a marketplace seller, the marketplace facilitator is allowed to claim a bad debt deduction in accordance with T.C.A. 67-6-507(e) if the bad debt is eligible to be deducted for federal income tax purposes under 26 U.S.C. Section 166 by either the marketplace facilitator or marketplace seller. When the marketplace facilitator claims the bad debt deduction for Tennessee sales and use tax purposes on an uncollectible transaction, the marketplace seller may not claim the bad debt deduction for the same transaction.
Reference Number	Disclosed Practice 8.3.m. - Shifting of Liability to Marketplace Seller	Yes	No	Statute/Rule Cite	Comment
8.3.m.i.	A Marketplace Facilitator/Provider is liable for the tax unless a Marketplace Seller provided incorrect or insufficient information.	X		T.C.A. 67-6-515(d)	
8.3.m.ii.	The State has a written policy on what reasonable steps a Marketplace Facilitator/Provider must take to obtain correct and sufficient information from a Marketplace Seller to shift the liability of the tax to the Marketplace Seller (If “yes,” please reference location of the document in the Comment column).		X		

Reference Number	Disclosed Practice 8.3.n. – Marketplace Facilitator/Provider absolved of tax, penalty and interest.	Yes	No	Statute/Rule Cite	Comment
8.3.n.i.	The State absolves a Marketplace Facilitator/Provider of tax, penalty and interest if it can show that a Marketplace Seller or the purchaser already paid the tax on the transaction.		X	T.C.A. 67-6-501(f)	Commissioner may consider this when a marketplace facilitator is under audit. Marketplace facilitators are liable for sales and use tax on its direct sales and the marketplace sales it facilitates. Marketplace sellers are only liable for tax on its direct sales.
Reference Number	Disclosed Practice 8.3.o. – Is the Marketplace Facilitator/Provider Required to Collect Non-Sales/Use Taxes and Fees?	Yes	No	Statute/Rule Cite	Comment
8.3.o.i.	The State requires a Marketplace Facilitator/Provider to collect and remit other taxes and fees that are also directly imposed on the consumer at the time of the sale. (If yes, please provide the taxes and fees in the Comment column along with legal authority.)	X		Public Chapter 787 (2020) Eft. 1-1-21 T.C.A. 67-4-1502	Short-Term Rental Unit Marketplace - Local Occupancy Tax See Important Notice 20-20 and https://www.tn.gov/content/tn/revenue/taxes/local-occupancy-tax.html Marketplace facilitators are not required to collect the Central Business Improvement District Fee. T.C.A. 67-6-501(h).
8.3.o.ii.	The State requires a Marketplace Facilitator/Provider to collect and remit other taxes and fees that are not directly imposed on the consumer at the time of the sale. (If yes, please provide taxes and fees in the Comment column along with legal authority.)		X	T.C.A. 67-6-501(h)	
Reference Number	Disclosed Practice 8.3.p. – Class Action Lawsuits	Yes	No	Statute/Rule Cite	Comment

8.3.p.i.	Did the State enact class action protections for Marketplace Facilitators/Providers separate from what the State is required to provide for all sellers based on Section 325 of the SSUTA/Agreement? If yes, provide the statutory reference in the Comment column. (Note: Indicate in the Comment column if this also applies to Marketplace Sellers.)	X		T.C.A. 67-6-515(e)	
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