



Rhode Island Department of Revenue

Division of Taxation

ADV 2018-03
SALES AND USE TAX

ADVISORY FOR TAX PROFESSIONALS
JANUARY 11, 2018

Certain retailers have filing obligations under new law

Requirements apply to non-collecting retailers, retail sale facilitators, and others

PROVIDENCE, R.I. – The Rhode Island Division of Taxation today issued a reminder about notice and reporting requirements involving Rhode Island sales and use tax. The requirements, including filing deadlines, were contained in legislation enacted in August 2017

Which requirements apply to a given entity depends on whether the entity qualifies as a “non-collecting retailer”, a “retail sale facilitator”, or a “referrer” as defined in the new statute.

RETAILER SALE FACILITATORS

If you are a retail sale facilitator, and in calendar year 2017 you had \$100,000 or more in gross revenue from the sale of taxable goods/services delivered in Rhode Island or 200 or more transactions of taxable goods/services delivered in Rhode Island, you must, as of January 16, 2018,¹ provide the Rhode Island Division of Taxation with a list of the names and addresses of retailers for whom you collected Rhode Island sales tax.

Also on or before January 16, 2018, you must provide the Rhode Island Division of Taxation with a list of the names and addresses of retailers for whom you did not collect Rhode Island sales tax but who still used your services in calendar year 2017.

The Division of Taxation has developed an online tool that is intended to make the annual filing more convenient. It also has attachment capability. The tool is available via the following Division of Taxation website: http://www.tax.ri.gov/Non-collecting%20retailers/RSF_wufoo.php.

NON-COLLECTING RETAILERS

On or before January 31 of each year, a non-collecting retailer must send a written notice to all in-state customers who have cumulative annual taxable purchases from the non-collecting retailer totaling \$100 or more for the prior calendar year, according to the statute.

Thus, on or before January 31, 2018, a non-collecting retailer must send such a notice to each Rhode Island customer who had \$100 or more in cumulative annual purchases for the 2017 calendar year. The report must show purchases made during the entire calendar year of 2017.

¹ The annual deadline is January 15, but that falls on a holiday this year, so the deadline moves to the following business day, which is January 16.

The Rhode Island customer will use the information from the notice to help in computing the customer's Rhode Island sales and use tax obligation.

Non-collecting retailers may view or download a sample notice by using the following link:

<http://www.tax.ri.gov/notice/Notice%202017-06%20--%20Non-collecting%20Retailer%20January%2031%20Notice%20--%2008-04-17.pdf>

In addition, the non-collecting retailer must provide the Rhode Island Division of Taxation by February 15 each year with a certain annual attestation that its notice requirements (as detailed in statute) have been fulfilled. A copy of the attestation is at the following link:

<http://www.tax.ri.gov/notice/Notice%202017-08%20--%20Non-collecting%20Retailer%20Attestation%20--%2008-04-17.pdf>

For the convenience of non-collecting retailers, the Division will allow the attestation to be submitted via email. When emailing the attestation, please use the following email address: Tax.Excise@tax.ri.gov and please enter the word "Attestation" in the subject block of the message.

For more information about the requirements outlined in this Advisory, please contact the Division of Taxation's Excise Tax section at (401) 574-8955 from 8:30 a.m. to 3:30 p.m. business days, or email: Tax.Excise@tax.ri.gov.

The Division of Taxation has a webpage that focuses on non-collecting retailers, retail sale facilitators, and referrers. Following is the link:

<http://www.tax.ri.gov/Non-collecting%20retailers/index.php>.

The Rhode Island Division of Taxation office is at One Capitol Hill in Providence, R.I., diagonally across from the Smith Street entrance to the State House, and is open to the public 8:30 a.m. to 3:30 p.m. business days. To learn more, see the agency's website: www.tax.ri.gov, or call (401) 574-8829.