



# TAXING ISSUES

WYOMING DEPARTMENT OF REVENUE

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Excise Tax Division

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Excise Tax Division Newsletter  
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*This publication is not an official taxability ruling. Your specific facts must be reviewed in detail before we can make official taxability rulings. Please direct your written inquiries for such rulings to the department at the address or fax number listed above. Or e-mail your inquiry to: [dor\\_taxability@wyo.gov](mailto:dor_taxability@wyo.gov) Please be sure to include all pertinent facts in your inquiry. We will respond with written guidance for your particular business transactions.*

**Tax Rate Changes:**

Effective with the tax return quarter beginning July 1, 2020 there will be no sales, use or lodging tax rate changes.

**Future Tax Rate Changes:**

***Pursuant to W.S. 39-15-207(c) and 39-16-207(c) notice is given of the following future tax rate changes.***

Effective with the tax return quarter beginning October 1, 2020, there will be the following sales/use tax rate changes in Wyoming:

- Effective October 1, 2020 the sales/use tax rate in Niobrara County will decrease to 5% as the Special Purpose County Option Tax will be collected.

It is prudent to periodically check DOR's website for notices of tax rate changes. Access our tax rate charts on line at <http://revenue.wyo.gov>. From the Home page, find the "Excise (Sales & Use) Tax Division, click on "Publications" click on Sales & Use Tax Rate Charts. Additionally, there is a Zip Code Directory which combines a listing of all zip codes in Wyoming with the associated sales tax rates. This document is in an Excel format.

**Please Note: Tax rate changes are effective the first day of a calendar quarter after providing sixty days notice to all vendors. This newsletter and DOR's website serves as the notice to vendors of the tax rate changes.**

**Sales tax rate charts are only updated as rate changes occur.**

**Nicotine Products:**

House Bill 0073 (Enrolled Act No. 32) goes into effect July 1, 2020. If a business sells, imports, or manufactures electronic cigarettes or nicotine products, the business is required to obtain a Cigarette Wholesaler, Cigarette Importer, Cigarette Manufacturer, and Nicotine Products Wholesaler License from the Department. This application is renewed each year prior to July 1 and requires a \$10.00 fee to be submitted with the application. The tax on electronic cigarettes and vapor materials is 15% of the wholesale price and is remitted by the wholesaler to the Department on a quarterly basis on a form 71. This tax is to be paid by the Wyoming licensed wholesaler. If a retailer purchase these products from other than a Wyoming licensed wholesaler, the retailer will be responsible to pay the tax directly to the Department. If you are wholesaling these products into Wyoming you are also required to obtain a Wyoming sales tax license once you meet the remote seller's thresholds which are for the current year or the immediately preceding year: \$100,000 in gross sales or 200 separate transactions into the state.

**Accrual Basis or Cash Basis:**

The Department's standard for a vendor's remittance of sales tax collection is on an accrual basis (as the sale occurs) rather than a cash

basis. Sales tax is due at the end of the month following the end of a filing period. Sales tax is due when the sale takes place and is not based on when the vendor receives payment.

**Motorcycle, Off-road recreational vehicles and boat sales:**

In Wyoming, sales tax is collected by the vendor/dealer selling boats, motorcycles, mopeds or ATV's. The amount subject to sales tax includes not only the sales price of the vehicle but may also include other charges listed on the invoice/bill of sale. Examples of the most common charges found on the bill of sale that are included in the sales price and therefore subject to sales tax are: Dealer prep or handling fees, doc fees, additional accessories and charges for installation, extra keys, alarm systems and clear coat. These charges must be included in the amount used to calculate the sales tax. Charges that are **not** part of the purchase price subject to sales tax are: title fees, charges for extended warranties and insurance. It is important for the dealer to collect the correct amount of sales tax at the time of purchase because your customer will be assessed any additional sales tax due by the County Treasurer at the time of titling.

In addition, the vendor/dealer is required to collect tax on the full purchase price, based on the rate in effect where the customer receives the purchase. For example: A customer purchases a motorcycle from a dealer in Cheyenne, and leaves the dealer's business with the purchase, the vendor collects 6% Laramie County tax on the motorcycle as the customer took

receipt of the purchase at the business location.

However, if the purchaser is not a resident of the state of Wyoming and provides the vendor/dealer with an affidavit for exclusive use outside the state, the seller is not required to collect Wyoming sales tax. The vendor/dealer must retain this affidavit in their business records. This affidavit is available on our website at <http://revenue.wyo.gov> from the home page locate the "Excise (Sales & Use) Tax Division", click on "Forms" then select "Motor Vehicle Forms". The affidavit is the third form listed in the expanded menu.

**Third Party Drop Shipping Transactions:**

The Department has had multiple questions regarding third party drop shipment transactions. The Department views third party drop shipping as a series of transactions where the supplier/manufacturer sells his product to a vendor for subsequent resale but ships the item to the vendor's customer directly. The first transaction is between the supplier/manufacturer and the vendor where the vendor would make the purchase on a wholesale for resale basis by supplying the supplier/manufacturer a properly completed exemption certificate from the vendor's home state, indicating the purchase is for resale. The second transaction is between the vendor and the Wyoming customer. This is the retail transaction where we would expect sales tax to be due and payable. If the vendor is licensed to collect Wyoming sales tax, the vendor would remit the tax to the Department on his periodic sales/use tax return. However, if the vendor is not licensed to collect

Wyoming sales tax, the tax would be handled between the final Wyoming customer and the Department directly once the goods are received in the state. The tax liability in this second transaction would never rest on the supplier/manufacturer as they are only acting as a shipping agent to the final customer not acting as the vendor selling the product.

**Educational Webinars:**

The Department has the following Sales/Use Tax Webinars are currently scheduled:

- June 25, 2020: General Sales/Use Tax
- July 9, 2020: Contractor Industry
- July 30, 2020: Lodging Industry
- August 13, 2020: General Sales/Use Tax
- August 27, 2020: Oil & Gas Industry
- Sept 10, 2020: Contractor Industry
- Sept 24, 2020: Lodging Industry

The webinar schedule is posted to DOR's website. Look for the "What's New" column on the home page and select "Excise Tax Webinar Schedule". Click on the webinar of interest to view the specific webinar details.

**Field Offices:**

The area code prefix is 307 for all of our field offices:

Casper	266-3621
Cheyenne	777-5211
Gillette	682-6061
Riverton	856-1185
Laramie	742-4207
Powell	754-2686
Rock Springs	382-4531
Sheridan	674-8559
Jackson	734-9354
Torrington	532-5566