



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 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:

Present:

Effective with the tax return quarter beginning January 1, 2018

there will be no sales, use or lodging tax rate changes.

Future:

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 April 1, 2018 there will be the following sales, use and lodging tax rate changes in Wyoming.

- Effective April 1, 2018 the sales/use tax rate in Niobrara County will increase to 6% as voters approved a 1% Specific Purpose Option Tax. The combined sales/use and lodging tax rate in Town of Lusk effective April 1, 2018 will be 9%.

It is prudent to periodically check DOR's website for notices of tax rate changes. It is possible to have additional rate changes effective April 1, 2018, as the Department might not receive all notifications prior to the printing of this publication. 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.

Motorcycle, Off-road recreational vehicles and boat sales:

In Wyoming sales tax is collected by the vendor/dealer selling boats, motorcycles and 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 registration.

In addition, the 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,

Wyoming 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 seller/dealer with an affidavit for exclusive use outside the state, the seller is not required to collect Wyoming sales tax. The seller must retain this affidavit in their business records. The 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.

Meat Processing Services:

Live animals are considered livestock and the sale of livestock is exempt from sales tax. However, once an animal is "off the hoof" it is no longer considered livestock/game and becomes tangible personal property. In Wyoming, meat processing/butchering services are taxable because the service alters tangible personal property. If a meat processor is processing another party's carcass, the processor would charge their customer sales tax on the full sales price charged to their customer. In this case the processor is not selling the customer food but rather the processor is selling a service to convert the carcass into ready-wrapped meats.

Printing Services:

Purchasing advertising space in a publication or on-line is not subject to Wyoming sales tax. However, printed advertising is tangible personal property and subject to sales tax. If a store has advertising

circulars printed, the sales price paid for the printed material is taxable. When the printer is a newspaper and the circulars are to be distributed as part of the newspaper, the printing charges are still subject to sales tax to the customer. When the circulars are distributed and sold as part of the newspaper there is no tax consequence as newspapers are exempt from sales tax in Wyoming.

Documentation Required for Exempt Purchases:

Vendors selling to customers claiming a sales tax exemption are required to obtain a Streamlined Sales/Use Tax Agreement Certificate of Exemption from their customers. The selling vendor must keep the exemption certificate in their business records for at least three years for audit purposes. In order for the certificate to be valid for claiming the exemption, the seller should verify that the certificate is completed in its entirety. This means all sections must contain valid responses and the certificate must be signed. If utilizing the wholesale for resale exemption, the purchaser should indicate the type of business in section four, select G "Resale" in section five and indicate their sales/use tax license number on the line provided. A governmental entity should select 18 "Government" in section four and choose either A "Federal Government" or B "State or local government" in section five and indicate the department or agency in the line provided. The government agency will not have any kind of exempt number to include on the form as they are exempt by statute. Similarly, a religious or charitable organization is exempt from paying sales tax

upon supplying the completed exemption certificate to the seller. In this case, the organization selects the most appropriate type of business in section four, and in section five selects "E" or "F," whichever is most appropriate. Like Government agencies, these organizations will not have a tax exempt number to show on the form as they are not required to seek prior approval from the Department to utilize the exemption. Please note: the exemption certificate is the **only** document a purchaser is required to provide the seller to make tax exempt purchases. The certificate is also the only document the seller is required to maintain in their business records as proof of tax exempt sales. Please view the Streamlined Sales/Use Tax Agreement Certificate of Exemption form with instructions on DOR's website at <http://revenue.wyo.gov>

Annual Interest Rate for Delinquent Taxes:

Per W.S. 39-15-108(b)(i) the interest rate for delinquent taxes is adjusted annually, equal to the average prime interest rate for the preceding fiscal year plus four percent. The annual interest rate effective January 1, 2018 will be 7.72%. The equivalent daily interest rate for delinquent accounts will be 0.0211%.

Field Offices:

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

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| 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 |