



Direct Pay Permit

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Wyoming Department of Revenue

A direct pay permit is not an exemption from sales tax rather the permit authorizes the purchaser to accrue and pay Wyoming sales tax directly to the Department as opposed to paying sales tax to their supplier at the time of purchase. This non-transferable permit is limited to those organizations that make five million dollars (\$5,000,000.00) or more in annual purchases. Any person liable for the payment of sales tax may apply to the Department of for a Direct Pay Permit and if approved by the Department and subsequently issued, the holder would then accrue and remit the tax directly to the Department of Revenue under the provisions of W.S. 39-15-107.1 and *Wyoming Department of Revenue Rules Chapter 2 Section 8*.

The direct pay application is available at <http://revenue.wyo.gov> under our "Forms" link of the "Excise (Sales & Use) Tax Division" submenu, from "Forms" click the "Sales and Use Tax License Applications Forms" and click on "Sales and Use Tax License Application Direct Pay Permit".

Once a direct pay permit application is approved by this Department the holder becomes eligible to make all purchases without the payment of sales tax, by issuing their suppliers a copy of the Direct Pay Permit or a Streamlined Certificate of Exemption form. Either is acceptable but both are not required. If completing the exemption certificate, the permit holder should circle in Section 5, J and provide their Wyoming Direct Pay Permit number.

These two documents remove the responsibility from the seller to collect the tax and place it on the permit holder to pay the tax directly to the Department. Wyoming Direct Pay Permits and completed exemption certificates do not expire and should remain in the seller's business records for a minimum of three years as protection in the event of an audit. [W.S. 39-15-107(a)(ii)]

Direct Pay Permit holders must pay the tax to the Department on their taxable purchases by the end of the month following the month the purchases are made. For example; Purchases made in the month of May, tax must be reported on the Permit holders' May return due on or before the last day of June. [*Wyoming Department of Revenue Rules Chapter 2 Section 6(a-b), Wyoming Department of Revenue Rules Chapter 2 Section 13(bb)*]

Please be advised that this bulletin addresses issues in general terms and cannot be appropriate or applicable in all situations. If your situation is markedly different or you have concerns about this issue, please do not hesitate to contact this department. You can do so by e-mail directed to:

DOR_taxability@wyo.gov

Supporting Authority -

W.S. 39-15-107.1 (a)

Upon application by any person liable for the payment of sales tax under this article or a licensed vendor, the director of the department of revenue, in his sole discretion, may issue to the applicant a permit to be known as a direct payment permit authorizing the applicant to make direct payment to the department of revenue of any sales tax imposed under this article. The decision of the director shall not be appealable. The direct payment permit shall be signed by an authorized representative of the department. Any direct payment permit issued under this section may be revoked by the department of revenue at any time upon ninety (90) days written notice to the permittee.

W.S. 39-15-107.1(b)

Any applicant issued a direct payment permit authorized by subsection (a) of this section shall pay any sales tax authorized by this article directly to the department of revenue. The applicant shall issue to each vendor furnishing or supplying any goods or services subject to Wyoming sales tax proof that the applicant has a direct payment permit in the form prescribed by the department. The proof of the direct payment permit shall indicate that the applicant assumes all obligations to pay any sales tax due under this article directly to the department of revenue.

W.S. 39-15-107.1(c)

Receiving proof of the direct payment permit under subsection (b) of this section shall discharge the vendor furnishing or supplying goods or services to the applicant from any duty to collect or liability for sales taxes owed by the applicant. Any person holding a direct payment permit may be audited by the department of audit once in each calendar year.

W.S. 39-15-107-1(d)

The department of revenue shall promulgate rules and regulations necessary to implement the provisions of this section

W.S. 39-15-107(a)(ii)

Every vendor and person liable for the payment of sales tax under this article shall preserve for three (3) years at his principal place of business, suitable records and books as may be necessary to determine the amount of tax for which he is liable under this article, together with all invoices and books showing all merchandise purchased for resale. All records, books and invoices shall be available for examination by the department during regular business hours except as arranged by mutual consent;”

*Wyoming Department of Revenue Rules
Chapter 2 Section 6(a-b)*

Direct Pay Permits.

(a) General. Purchasers making taxable purchases in this state totaling \$5,000,000 or more per calendar year may apply to the Department for a direct pay permit on the form and in a manner prescribed by the Department.

(i) Application reviews shall be conducted in a timely manner so that applicants receive notification of authorization or denial within thirty (30) days of the date the Department receives the completed application and any necessary supporting documentation.

(ii) If approved, the Department shall assign a direct pay permit number and provide the permittee with a printed direct pay permit.

(b) Reporting.

(i) Purchasers authorized to make direct payment of Wyoming sales tax shall report tax owed in a format as prescribed by the Department. The

reports shall be made by the end of the month following the month purchases are made.

(ii) Late filing of reporting forms and remittance of tax due shall result in the assessment of interest and penalty.

*Wyoming Department of Revenue Rules
Chapter 2 Section 13(bb)*

Purchases by Businesses. Purchases by businesses and professional persons of equipment, tools and supplies for use in conducting their businesses or professions shall be subject to the sales or use tax.