

Sales/Use:

Missouri DOR Letter Ruling Addresses Compliance Aspects of Marketplace Seller's Online Sales

Letter Ruling LR 8151, Mo. Dept. of Rev. (7/15/21). The Missouri Department of Revenue (Department) issued a letter ruling addressing how a marketplace seller with a substantial in-state physical presence must comply with state sales and use tax laws regarding its online sales made through a marketplace facilitator *prior* to the effective date of new Missouri law that imposes sales and use tax collection and remittance requirements in Missouri on some remote sellers and marketplace facilitators that exceed a \$100,000 taxable sales threshold beginning January 1, 2023 [see Senate Bills 153 and 97, signed by gov. 6/30/21, and previously issued Multistate Tax Alert for more details on this new law]. The Department essentially concludes that utilized marketplace facilitators may collect Missouri sales tax, as applicable, on behalf of the marketplace seller but the marketplace seller must report and remit all of these tax amounts to the Department on its Missouri Vendor's Use Tax Return as a "vendor," along with reporting and remitting Missouri Vendor's Use Tax for any of its direct online sales into Missouri. The ruling specifies that the marketplace seller must report *all* sales conducted on *all* marketplace facilitator platforms on its Missouri Vendor's Use Tax Return and remit the taxes collected directly to the Department, and that it may *not* partially delegate this responsibility "because such partial delegation would cause its own returns to be incomplete." Lastly, the Department states that this letter ruling is binding upon the Department with respect to the marketplace seller until January 1, 2023. Please contact us with any questions.

URL: <https://dor.mo.gov/rulings/show/8151>

URL: https://www.senate.mo.gov/21info/BTS_Web/Bill.aspx?SessionType=R&BillID=54245348

URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-mta-missouri-enacts-several-indirect-and-income-tax-law-changes.pdf>

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