

Sales/Use/Indirect:

Illinois DOR Addresses Whether Out-of-State Retailer Qualifies as a Marketplace Facilitator

General Information Letter ST-21-0032, Ill. Dept. of Rev. (8/24/21). Responding to an inquiry from an out-of-state retailer with in-state physical presence, the Illinois Department of Revenue explains that because the company does not indicate to purchasers on its online marketplace website the identity of any third-party sellers, it does not meet the advertising prong of the “marketplace facilitator” definition under state law and thus is *not* considered a marketplace facilitator for Illinois sales and use tax purposes. Accordingly, the retailer is *not* subject to Illinois sales and use tax collection requirements as a marketplace facilitator and must look outside of Title 86 Part 131 of the Illinois Administrative Code to determine how and where its sales may be subject to tax in Illinois (*i.e.*, *the retailer* must look to Illinois’ more traditional sales/use tax sourcing guidance). Please contact us with any questions.

URL: <https://www2.illinois.gov/rev/research/legalinformation/lett rulings/st/Documents/2021/ST21-0032-GIL.pdf>

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