

Sales/Use/Indirect:

Rhode Island: Hearing Officer Says Timing of Resale Exemption Certificate Acceptance Dictates Taxability

Case No. 18-T-067; No. 2022-20, R.I. Dept. of Rev., Div. of Tax (12/22/22). In an administrative ruling involving a vendor that accepted a retailer's sales and use tax resale exemption certificate in good faith on a sales transaction months after the actual sale, an administrative hearing officer held that because the vendor did not receive the resale certificate from the retailer either at the time of the sale or within 90 days of the date of sale as required by R.I. Gen. Laws § 44-18.1-18, the vendor was *not* able to rebut the presumption of taxability on the transaction pursuant to R.I. Gen. Laws § 44-18-25. Accordingly, the vendor owed applicable Rhode Island sales and use tax on the transaction, which had been assessed on audit. Please contact us with any questions.

URL: https://tax.ri.gov/sites/g/files/xkgbur541/files/2022-12/AD_2022-20.pdf

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