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# Sales Tax Revenue: How to Get Your Fair Share

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MTAS
Municipal Technical Advisory Service
*In cooperation with the Tennessee Municipal League*

TECHNICAL bulletin

**08.25.05**

# SALES TAX REVENUE: HOW TO GET YOUR FAIR SHARE

**Alan Major, Finance and Accounting Consultant**

## INTRODUCTION

Sales tax is collected by businesses all across the state when they sell a taxable item. Taxable items include practically everything except professional services and labor. Technically, taxable items are tangible personal property, things you can touch and see. Periodically, businesses remit the sales tax to the state by completing a form that calculates the sales tax and sending that with a check to the department of revenue.

Sales tax consists of the state portion (currently 6 percent on food and 7 percent on prepared food and all other tangible personal property) and the city and county portion for a maximum total of 9.75 percent. The combined city and county local option portion may not exceed 2.75 percent. If your city and county tax is less than the maximum 2.75 percent, then raising it to the maximum should be a consideration for any local government seeking to increase sales tax revenue.

Cities receive a share of the state sales tax directly from the state every month based on population. This is often called a state "shared" revenue. It is also the largest of the state shared revenues, accounting for more than half of the population-based state shared revenues.

The other portion of the sales tax is split with the county, city, and schools. The county initially receives all the local sales tax from the state and then allocates it. The county has no discretion on how to distribute the funds. Cities receive their share of local sales tax from their counties.

## WHAT'S THE PROBLEM?

The problem is that your local sales tax may be going to another Tennessee city or county. Conversely, your city may be receiving local sales tax revenue from another jurisdiction in error.

The problem occurs on the front end when a business first applies for a Tennessee sales tax number (Sales and Use Tax Certificate of Registration). There is a place on the form for the address of the new business, but occasionally, the applicant uses an incorrect address for the business location. The application is entered into the state's computer system, and the address on the application dictates the location of the business, even if it is wrong.

This is significant because Tennessee local sales tax is determined at the point of sale. The point of sale is the business location listed on the application for a Sales and Use Tax Certificate of Registration. An incorrect business location results in the local sales tax going to the wrong county or city.

## WHAT CAN YOU DO NOW?

The first thing you should do is contact the Tennessee Department of Revenue, which

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handles sales taxes. It maintains a list of every registered business in Tennessee. Every business is assigned a four-digit county/city code that determines location.

The first two-digit number represents the county. Cities are assigned an additional unique two-digit number. Together, this four-digit number is called a situs code. A situs code report lists all registered businesses in your city, by county.

City officials have a right to this confidential information as provided in T.C.A. § 67-1-1704. To obtain your situs report, send a request in writing from a local official to the Tennessee Department of Revenue. You should receive your situs report within two weeks.

## WHO TO CONTACT AT THE TENNESSEE DEPARTMENT OF REVENUE

The Taxpayer Services Division of the Tennessee Department of Revenue (DOR) administers the sales and local sales tax. It processes the Sales and Use Tax Certificate of Registration received from businesses. The DOR assigns a situs code based on the business address in the application. The situs code is a four-digit number: the first two digits define the county, and the last two digits identify the city within a county. A city in two counties would have two situs codes.

You can contact the DOR in writing at its main office at

Tennessee Department of Revenue
500 Deaderick Street
Nashville, Tennessee 37242

The phone number is (615) 253-0600 or (800) 342-1003 toll free. The E-mail address is TN.Revenue@state.tn.us.

## WHAT TO ASK FOR

You should request what the DOR calls the situs report. A situs report lists all of the businesses in a given county and city(s) within that county. If your city is in two or more counties, you will need a situs report for each county.

## THE SITUS REPORT

The DOR can prepare a report that lists each business registered in your city. It is called a situs report simply because it consists of the unique situs code for each city. The situs report lists all the names and locations of businesses with your city's situs code. Again, if your city is in two counties, request two situs reports. This is the starting point. You will need to confirm that all businesses within the corporate limits are on your situs report.

## IDENTIFY ALL BUSINESSES IN YOUR CITY

You need to identify all the businesses in your city limits. These businesses generate local sales tax on every taxable sale. You should build an inventory of all the business in town, that is, anyone with a Tennessee sales tax number (Sales and Use Tax Certificate of Registration). This may be very time consuming the first time, but subsequent annual checks will be much easier.

In smaller cities, the city recorder may be aware of all the businesses in the city. With a short review, you may be able to account for them all.

If your city levies a business tax, compare your business tax customers with the situs report. Property tax records and utility records also can help identify customers to compare against the situs report.

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The best way to maximize your city's local sales tax is to review the state's record of business locations (situs report) and correct any errors. After your review, you should make changes on the situs report and submit a copy to the DOR.

## MAKING CORRECTIONS TO THE SITUS REPORT

Make a list of all businesses that do not appear on your situs report. These are the businesses that are paying sales tax to some other city/county. To facilitate the DOR review, obtain that business's sales tax number and any other useful contact information. You should make these additions and corrections on the situs report itself. Before submitting your corrected situs report back to the DOR, make a copy for your records.

## SHOW ME THE MONEY

After receiving your requested changes, the DOR determines if a business is incorrectly coded, which would mean some other jurisdiction is getting your local sales tax. Then, the DOR will contact the jurisdiction that is incorrectly receiving the local sales tax and explain the error. Sometimes, there is disagreement, and you may need to submit proof of your corporate boundaries to the DOR.

Basically, one jurisdiction received too much local sales tax while another received to little. The DOR will go back only one year from the notification date to make corrections. Any amounts beyond one year are lost (or gained). Truly, time is money.

If the amounts involved are small, the DOR will adjust the next month's local sales tax distribution. A large adjustment in one month could be harmful to a small city; therefore, larger amounts are adjusted over the following year.

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