KEY UPDATES
The U.S. Supreme Court and the Wayfair Decision

April 2019

On June 21, 2018, the United States Supreme Court issued its decision in South Dakota v. Wayfair, Inc., 585 U.S. __ (2018), dramatically changing the sales tax landscape for multi-state sellers. This decision has immediate—and potentially significant—implications to any taxpayers making remote retail and wholesale sales—of services or tangible property. Multi-state businesses need to understand this decision and its implications for their business.

Next Steps
Over the next few months, we will continue to see a stream of guidance from the states as to how they expect the Wayfair decision to be applied within their respective jurisdictions. The information below is meant to assist businesses as they review their current state requirements, and move to make the necessary changes to become compliant. While this process may be straightforward in some states, we are finding that others may require further clarification.

ALABAMA
Over $250,000 in retail sales and enumerated activity per Alabama Code § 40-23-68. Alabama Administrative Code r. 810-602.90.03(1)
Enforcement Date: 10/1/2018

ALASKA
Alaska does not assess a state sales/use tax.

ARIZONA
Awaiting Guidance

ARKANSAS
$100,000 in aggregate sales or 200 transactions in the current or prior calendar year. Act 822 (S.B. 576), Laws 2019
Enforcement Date: 7/1/2019

CALIFORNIA
Over $100,000 in gross sales during the current or prior calendar year or 200 or more transactions during the current or prior calendar year. CA Dept of Tax & Fee Administration - Special Notice (December 2018)
Enforcement Date: 4/1/2019

COLORADO
$100,000 or more of gross sales or services (including exempt sales) in the current or previous calendar year
Enforcement Date: 4/14/2019

CONNECTICUT
Over $250,000 gross receipts during the preceding 12-month period (ending September 30) and 200 or more sales transactions during the preceding 12-month period (ending September 30) (prior to this date, the threshold was 100 sales).
Connecticut General Statute § 12-407; Connecticut Department of Revenue Services SN2018(5)
Enforcement Date: 12/1/2018

DELWARE
Delaware does not assess a state sales/use tax.

DISTRICT OF COLUMBIA
Over $100,000 of gross receipts from retail sales during the current or prior calendar year or more than 200 separate retail sales transactions during the current or prior calendar year. D.C. ACT 22-556 (12/31/2018); OTR Notice 2019-02 (1/2/2019)
Enforcement Date: 1/1/2019

FLORIDA
Awaiting Guidance

GEORGIA
Over $250,000 in gross revenue in the previous or current calendar year or 200 or more separate retail transactions in the previous or current calendar year. If the remote seller chooses not to collect and remit sales tax, on 1/1/2019, the seller must notify each potential purchaser immediately prior to the completion of each retail sale transaction that sales/use tax may be due. On or before 1/31/2020, and each year thereafter, the seller must send a sales/use tax statement to the purchaser who completed one or more retail sale totaling $500 or more in aggregate during the prior calendar year;
also on or before 1/31/2020, the seller must file a copy of the same notice with the state.
Georgia Code Annotated §§ 48-8-2(M.1, M.2); 48-8-30(c.1, c.2); Georgia Department of Revenue Policy Bulletin SUT-2018-07 (10/1/2018)  
Enforcement Date: 1/1/2019

HAWAII
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
Hawaii State Legislature Act 41 (S.B. 2514)  
Enforcement Date: 7/1/2018

IDAHO
Over $100,000 in gross receipts in the current or prior calendar year. L. 2019, H259  
Enforcement Date: 6/1/2019

ILLINOIS
$100,000 or more gross sales or 200 or more transactions in four (4) prior quarters.
Illinois Public Act 100-0587  
Enforcement Date: 10/1/2018

INDIANA
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year..
Indiana Code § 6-2.5-2-1(c)  
Enforcement Date: 10/1/2018

IOWA
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
SF 2714 (5/30/2018); Iowa Code § 423.29  
Enforcement Date: 1/1/2019

KANSAS
Awaiting Guidance

KENTUCKY
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
Kentucky Department of Revenue HB 487  
Enforcement Date: 10/1/2018

LOUISIANA
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
Louisiana Remote Sellers Information Bulletin 18-001 (8/10/2018)  
Enforcement Date: 1/1/2019

MAINE
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
Maine Revised Statutes Annotated § 1951-B  
Enforcement Date: 7/1/2018
MARYLAND
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
Maryland Code Regulations § 03.06.01.33x
Enforcement Date: 10/1/2018

MASSACHUSETTS
Over $500,000 in gross sales during the preceding calendar year from transactions completed over the internet and made sales resulting in a delivery into Massachusetts in 100 or more transactions.
Massachusetts Department of Revenue 830 CMR 64H.1.7(3)
Enforcement Date: 10/1/2017

MICHIGAN
Over $100,000 gross sales in the previous calendar year or more than 200 transactions in the previous calendar year.
Michigan Revenue Administrative Bulletin 2018-16 (8/1/2018)
Enforcement Date: 10/1/2018

MINNESOTA
Over $100,000 in sales or 200 or more retail transactions annually.
Nebraska DOR: Notice for Remote Sellers and Marketplace Facilitators, 04/01/2019
Enforcement Date: 4/1/2019

MISSISSIPPI
Over $250,000 in gross sales for the last 12 months and exploitation of the Mississippi market.
Mississippi Code R. § 35.IV.3.09.100, .101
Enforcement Date: 9/1/2018

MISSOURI
Awaiting Guidance

MONTANA
Montana does not assess a state sales/use tax.

NEBRASKA
Over $100,000 in sales or 200 or more retail transactions annually.
Nebraska DOR: Notice for Remote Sellers and Marketplace Facilitators, 04/01/2019
Enforcement Date: 4/1/2019

NEVADA
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
Reg LCB File No R189-18
Enforcement Date: 10/1/2018

NEW HAMPSHIRE
New Hampshire does not assess a state sales/use tax.

NEW JERSEY
Over $100,000 gross sales during the current or prior calendar year or 200 or more transactions during the current or prior calendar year.
Notice, Sales/Use Tax Information for Remote Sellers, NJ Division of Taxation
Enforcement Date: 7/1/2019

NEW MEXICO
At least $100,000 in gross sales 2019 NM H 6, Adopted.
Enforcement Date: 7/1/2019

NEW YORK
Greater than $300,000 in sales of tangible personal property delivered in the state and conducted more than 100 sales of tangible personal property delivered in the state in the immediately preceding four (4) sales tax quarters. 
The sales tax quarters are March 1 through May 31, June 1 through August 31, September 1 through November 30, and December 1 through February 28/29
Enforcement Date: 6/21/2018

NORTH CAROLINA
Over $100,000 gross sales in the previous or current calendar year or 200 or more transactions in the previous or current calendar year.
Ch. 6 (S.B. 56), Laws 2019, effective March 20, 2019
Enforcement Date: 11/1/2018

NORTH DAKOTA
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
North Dakota Century Code §§ 57-39.2-02.2; 57-40.2-02.3
Enforcement Date: 10/1/2018

OHIO
Over $500,000 gross sales during the current or preceding calendar year through in-state software.
Ohio Revised Code Annotated § 5741.01
Enforcement Date: 1/1/2018

OKLAHOMA
Over $10,000 in aggregate Oklahoma sales in prior 12-month calendar period (collect or comply with notice and reporting requirements). Oklahoma Law HB 1019 Remote Seller Information and FAQs 8/31/2018
Enforcement Date: 7/1/2018

OREGON
Oregon does not assess a state sales/use tax.

PENNSYLVANIA
1. Elect to register or comply with notice & reporting requirements: A remote seller, marketplace facilitator or a referrer that had aggregate PA taxable sales of at least $10,000 over the previous 12 month period. (Election must be made by March 1, 2018 and each subsequent June 1st beginning 6/1/2019).
Enforcement Date: 4/1/2018

2. Must register to collect sales tax: A remote seller, marketplace facilitator or a referrer that had aggregate PA taxable sales greater than $100,000 over the previous 12 month period.
Enforcement Date: 7/1/2019
RHODE ISLAND
Over $100,000 gross sales or 200 or more transactions in the previous calendar year (collect or comply with notice and reporting requirements).
Rhode Island General Laws § 44-18.2-3; Publication 2018-06, Rhode Island Department of Revenue, 7/6/2018
Enforcement Date: 8/17/2017

SOUTH CAROLINA
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
Revenue Ruling #18-14, South Carolina Department of Revenue (9/18/2018)
Enforcement Date: 11/1/2018

SOUTH DAKOTA
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
South Dakota Codified Laws § 10-64-2
Enforcement Date: 11/1/2018

TENNESSEE
Over $500,000 in gross sales and regular solicitation (7/1/2017) --- currently being challenged in state court & an injunction has been issued against enforcement.
Enforcement Date: TBD

TEXAS
$500,000 or greater of gross revenue in the preceding 12 calendar months. The initial 12 calendar months for determining a remote seller’s total Texas revenue will be 7/1/2018 - 6/30/2019. If a remote seller’s Texas revenue during this period exceeds $500,000 the seller must obtain a permit by 10/1/2019 and begin collecting use tax no later than 10/1/2019. Adopted Rules - 43 TexReg 8133 (12/14/2018); 34 TAC 3.286
Enforcement Date: 10/1/2019

UTAH
Over $100,000 in gross sales in either the previous or current calendar year or 200 or more separate transactions in the previous or current calendar year.
Utah Code Annotated § 59-12-107(2)(c)(ii)
Enforcement Date: 1/1/2019

VERMONT
$100,000 or more gross sales or 200 or more transactions during any 12-month period preceding the monthly period.
Vermont Statutes Annotated § 9701(9)(f)
Enforcement Date: 7/1/2018

VIRGINIA
Over $100,000 in gross sales in either the previous or current calendar year or 200 or more separate transactions in the previous or current calendar year.
L. 2018, H1722 (c. 815), effective 07/01/2019; L. 2018, S1083 (c. 816) effective 07/01/2019
Enforcement Date: 7/1/2019

WASHINGTON
Effective from October 1, 2018 through December 31, 2019 sellers are required to collect and remit sales tax if they have, in the current or immediately preceding calendar year, more than $100,000 of cumulative gross receipts from Washington, 200 or more separate transactions for the delivery of products into Washington or physical presence under Wash. Rev. Code § 82.04.067.
However, sellers subject to a sales and use tax collection requirement only because of the 200 transaction threshold are relieved of their collection obligation, effective March 14, 2019.
Enforcement Date: 7/1/2019

WEST VIRGINIA
During the previous tax year either delivered more than $100,000 of goods or services into West Virginia; or engaged in 200 or more separate transactions for the delivery of goods and services into West Virginia. Administrative Notice 2018-18, West Virginia State Tax Department (10/1/2018)
Enforcement Date: 1/1/2019

WISCONSIN
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
Wisconsin Statute § 11.97(4)
Enforcement Date: 10/1/2018

WYOMING
Over $100,000 gross sales in the current or prior calendar year or 200 or more transactions in the current or prior calendar year.
Enforcement Date: 2/1/2019

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