

8130.2500 APPLICATION FOR PERMIT TO MAKE RETAIL SALES.

Subpart 1. **Duty to obtain a permit.** The following persons making taxable sales within Minnesota, or sales outside the state for use, storage, distribution, or consumption in Minnesota must obtain a sales tax permit and collect the sales or use tax from the purchaser at the time of sale:

A. a retailer located in Minnesota;

B. a retailer maintaining a place of business in Minnesota;

C. a retailer making retail sales from outside this state to a destination within this state if the retailer engages in the regular or systematic soliciting of sales from potential customers in this state and meets the requirements of Minnesota Statutes, section 297A.66.

Subp. 1a. **Tax identification number constitutes permit.** Under Minnesota Statutes, section 297A.84, a person that has a valid Minnesota tax identification number for taxes imposed under Minnesota Statutes, chapter 297A, is considered to have a permit.

Subp. 2. **Nontaxable retail activities.** If a person engages in retail activities which are exclusively exempt, it is not necessary to apply for or secure a permit.

If a nonprofit organization makes or plans to make fundraising sales which are not exclusively exempt under Minnesota Statutes, section 297A.70, subdivision 13, 14, or 15, or any other part of Minnesota Statutes, chapter 297A, that organization must obtain a sales tax permit and collect the sales tax.

Subp. 3. **Multiple locations.** If a person who is required to secure a permit has more than one place of business and the activities conducted at each place are subject to tax, and the person elects to file a separate return for each place of business, a separate application must be filed for each business location. A permit may be used only at the places designated. Members of a group of corporations related by stock ownership, if the members are engaged in making retail sales, must make individual applications.

Subp. 4. **Consolidated return.** If a person elects to file a consolidated return, a list containing the business name and address of each separate place of business must be submitted to the commissioner when applying for a permit. An application containing such a list constitutes an application for each listed business name and address. The same sales and use tax account number applies to each location, along with a location number. If, thereafter, the person elects to file a separate return for any of the listed places of business, a new account number must be secured for the business location for which the separate return is filed.

Subp. 5. **Vending machines.** If a person required to secure a sales and use tax permit operates vending machines in more than one location, the person is not required to secure a separate permit for each location. Vending machines include, but are not limited to, coin-operated or bill-operated machines that dispense food, candy, drinks, items of tangible personal property, or provide amusement and diversion.

Vending machines do not include the coin-operated services described in Minnesota Statutes, section 297A.61, subdivision 3, paragraph (g), clauses (3) and (6)(i).

Subp. 6. **Information required.** Application for a permit must contain the following information:

- A. the legal form and name of organization; for example, individual, partnership, Minnesota corporation, foreign corporation, or association, and if a corporation, the state and date of incorporation;
- B. date when taxable sales were first made or date when taxable sales are expected to begin;
- C. name and mailing address;
- D. Minnesota Department of Revenue identification number, unless no such number was previously assigned, and the federal identification number, unless none has been assigned;
- E. business name and location or appropriate name and location;
- F. if there are two or more locations and the consolidated method is elected, each business name and address;
- G. the date on which the fiscal year ends;
- H. list of owners, partners, or principal officers, and home addresses and social security numbers of such individuals;
- I. type of business; for example, retail trade, wholesale trade, manufacturing, motion picture theater, hotel, or bowling alley;
- J. whether business is operated seasonally and, if so, usual opening and closing dates; and
- K. names and addresses of all the applicant's agents operating in Minnesota and location of each of the applicant's distribution and sales houses or offices or other places of business within this state.

The application must be submitted by the owner, if a natural person, by a partner if the applicant is a partnership, or by an owner, partner, or officer if the applicant is a corporation or an association.

Subp. 7. **Change in ownership or name.** Where there is a change in ownership or name, the following rules are applicable:

- A. Sale of a business enterprise operated as a sole proprietorship requires a new application, although the business may be continued under the same name.
- B. Admission of a new partner to a partnership requires a new application, even if the business is continued under the same name. Resignation, expulsion, or death of a partner requires a new application if the partnership is required to obtain a new federal identification number because of the resignation, expulsion, or death.

C. A change in the ownership of shares of stock of a corporation does not invalidate a permit issued to the corporation, as there has been no shifting of the liability for payment of sales and use tax.

D. A change in name of a business enterprise or a change in location, where there has been no change in ownership, means the permit holder must notify the department of the changed name or address.

E. In the event of the death of a permit holder who was operating a business as a sole proprietor, the duly appointed and qualified estate representative of the decedent's estate can assume and use the decedent's Minnesota sales and use tax account number during the period of probate administration. However, if the decedent's business is sold or ownership is assumed by a member of the decedent's family, a change of ownership occurs and a new Minnesota sales and use tax permit is required.

Statutory Authority: *MS s 14.388; 270C.06; 297A.25; 297A.27; 297A.29*

History: *15 SR 693; L 2005 c 151 art 1 s 114; 31 SR 449*

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