

State of Rhode Island and Providence Plantations
Rhode Island Department of Revenue
Division of Taxation

Public Notice of Proposed Rule-Making

RULE IDENTIFIER: ERLID 359

REGULATION TITLE: Promoters/Promotion of Shows

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public Notice Date: February 13, 2018

End of Comment Period Date: March 16, 2018

Pursuant to the provisions of R.I. Gen. Laws § 42-35-2(a)(1), and in accordance with the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35, the Division of Taxation hereby gives notice of its intent to repeal a regulation regarding Promoters/Promotion of Shows.

The proposed regulation and concise summary of non-technical requirements and proposed new rules are available for public inspection at www.tax.ri.gov, in person at the Rhode Island Division of Taxation, or requested by e-mail at Michael.Taylor@tax.ri.gov or by calling Michael Taylor at (401) 574-8930.

In the development of the proposed regulation, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) whether the regulation, in and of itself, would have significant economic impact on small businesses. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by Thursday, March 16, 2018 to Michael Taylor, Rhode Island Division of Taxation, One Capitol Hill, Providence, RI – telephone number (401) 574-8930 or via e-mail at Michael.Taylor@tax.ri.gov.

This rule is not expected to be controversial and shall be submitted as a direct final rule pursuant to R.I. Gen. Laws § 42-35-2.11. The proposed rule takes effect thirty (30) days after publication if no objection is received. If no objection is received, the rule becomes final. If an objection to the rule is received from any person not later than thirty (30) days after publication of the notice of the proposed rule, the proposed rule does not become final.

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Concise summary of all non-technical requirements pursuant to R.I. Gen. Laws § 42-35-2(a)(1) for rules and regulations regarding Promoters/Promotion of Shows.

The purpose of this regulation is repeal the regulation regarding Promoters/Promotion of Shows. This regulation shall take effect March 16, 2018.

~~State of Rhode Island – Division of Taxation~~

~~Sales and Use Tax~~

~~Regulation SU 89-128~~

~~Promoters/Promotion of Shows~~

~~Definitions~~

~~A "promoter" means any person who, for consideration, rents or leases space to any person for the display and sale of tangible personal property, service, or food and drink subject to tax at a show, or who operates a show.~~

~~A "show" means a flea market, craft show, antique show, coin show, stamp show, comic book show, baseball card show and any other show of a temporary nature, regardless of whether conducted at the same location for an extended period of time, excluding, however, trade shows sponsored or promoted by and open only to an industry, trade or professional association or society and not to the general public.~~

~~Duties—Generally~~

~~A promoter of a show is required to file a notice of the show at least ten (10) days prior to the show, stating the location and dates of the show, in a form prescribed by the tax administrator. A permit to operate a show will be issued without charge. Said permit shall be prominently displayed at the entrance of each show. No promoter shall operate a show without obtaining a permit.~~

~~A promoter shall not permit any person to display or sell tangible personal property, services or food and drink at a show unless that person has a valid permit to make sales at retail issued by the tax administrator. Said permit shall be prominently displayed by the vendor.~~

~~A promoter is required to file a report monthly, within twenty (20) days after the end of the prior month for each show the promoter operates. Said report is to be filed on a form prescribed by the tax administrator.~~

~~Duties—Out of State Vendors~~

~~A promoter of a show is charged with the duty of collecting the sales tax from each out of state person who rents or leases space from the promoter for the display and sale of tangible personal property, services, or food and drink subject to tax at a show. The promoter must collect and remit the tax collected from each out of state person at the close of each show. For shows of an extended duration, such as seasonal flea markets, each week or weekend, as the case may be, shall be considered a "separate show."~~

~~Revocation of Promoter's Permit~~

~~Any promoter who allows a person to display and sell tangible personal property, services or food at a show who is not registered or who does not display a permit or who fails to keep a record or file a monthly report shall be subject to revocation of all existing permits and to the denial of a permit to operate a show for a period of not more than two (2) years, in addition to any other penalty provisions of the sales/use tax law.~~

~~R. GARY CLARK~~

~~TAX ADMINISTRATOR~~

~~DATE FILED: December 6, 1989~~

~~EFFECTIVE DATE: December 31, 1989~~