



State Of Alabama Department Of Revenue

(www.ador.state.al.us)

Gadsden Taxpayer Service Center

235 College Street * P.O. Drawer 1190
Gadsden, Alabama 35902
(256) 547-0554 * Fax (256) 547-6922

CYNTHIA UNDERWOOD
Acting Revenue Commissioner

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Assistant Commissioner
LEWIS A. EASTERLY
Secretary

To Persons Making Retail Sales at Flea Markets, Art and Craft Shows, Mall Exhibits, etc.

All persons regularly engaged in making retail sales at flea markets, art and craft shows, mall exhibits, etc., are subject to the Alabama Sales Tax Law.

Persons who have obtained an Alabama Sales Tax License as a result of having other business activities should report sales made at flea markets, art and craft shows and mall exhibits together with sales reported from other business activities.

All persons regularly engaged in these activities and not licensed under the Alabama Sales Tax Law should contact one of the Taxpayer Service Centers and apply for a Sales Tax License. Persons who receive Sales Tax License Account Numbers are required to file returns on a monthly basis, whether or not any business is transacted during the month.

Should business activities be such that they are only conducted on an occasional basis, the enclosed Form 2100 may be used to report the state liability. It will be necessary to file these returns only for months in which taxes are due. Local taxes may also be due. Forms needed will depend on localities involved.

The Sales, Use and Business Tax Division is the collecting agency for many city and county sales taxes in the State of Alabama. The retailer should determine the local tax rate for each location where sales are made and file separate returns for those localities. The local returns may be mailed with the State returns; however, separate remittances are required for State and Local Taxes. These returns can be obtained at a Taxpayer Service Center; however, if the locality (city and/or county) is not administered by the Alabama Department of Revenue, you should contact them directly for the necessary forms and make your remittance to them.

Applicable sections of the *Code of Alabama 1975*, as amended, and a list of Taxpayer Service Centers are included on the reverse side of this form. Please read this information carefully to help you avoid costly penalties. If additional information is needed, contact the nearest Taxpayer Service Center.

Field Operations
Sales, Use & Business Tax Division
Alabama Department of Revenue

Code of Alabama 1975, As Amended

40-23-1(11) - “Business. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit, or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.”

40-23-2 – “(1) Upon every person, firm, or corporation, (...) engaging or continuing within this state, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (...), an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein . . .

40-23-7 - “On or before the twentieth day of the month, every person on whom the taxes levied by this division are imposed shall report to the department, on a form prescribed by the department, a true and correct statement showing the gross sales, the gross proceeds of sales or gross receipts on his business, as the case may be, for the next preceding month; ...”

40-2A-11 – “Civil penalties levied in addition to other penalties provided by law. (a) Failure to timely file return ... greater of 10 percent of any additional tax required to be paid with the return or fifty dollars (\$50). (b) Failure to timely pay tax...10 percent of the delinquent tax. (c) Underpayment due to negligence...5 percent of that part of the tax attributable to negligence or disregard of rules or regulations. (d) Underpayment due to fraud...50 percent of that portion of the underpayment which is attributable to fraud. (e) Frivolous return penalty...Up to two hundred fifty dollars (\$250).

40-29-73 – “Any person required to collect, truthfully account for, and/or pay over any tax imposed by Sections 40-17-2, 40-17-220, 40-18-71, 40-21-82, 40-23-2, 40-23-61, 40-26-1 and any other local sales, use, and gross receipts taxes collected by the State Department of Revenue who willfully fails to collect such tax, or truthfully account for, and/or pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty up to the total amount of the tax evaded, or not collected, or not accounted for and paid over.”

Taxpayer Service Centers

AUBURN/OPELIKA (334-887-9549), 3300 Skyway Drive, Auburn, AL 36830

JEFFERSON/SHELBY (205-733-2740), 2020 Valleydale Road Suit 208, Hoover, AL 35244

DOTHAN (334-793-5803), 344 North Oates Street, Dothan, AL 36303

GADSDEN (256-547-0554), 235 College Street, Gadsden, AL 35901

HUNTSVILLE (256-922-1082), 994 Explorer Blvd., Huntsville, AL 35806

MOBILE (251-344-4737), 857 Downtowner Blvd., Suite E, Mobile, AL 36609

MONTGOMERY (334-242-2677), 1021 Madison Avenue, Montgomery, AL 36104

MUSCLE SHOALS (256-383-4631), 874 Reservation Road, PO Box 3148, Muscle Shoals, AL 35662

TUSCALOOSA (205-759-2571), 518 19th Avenue, Tuscaloosa, AL 35401