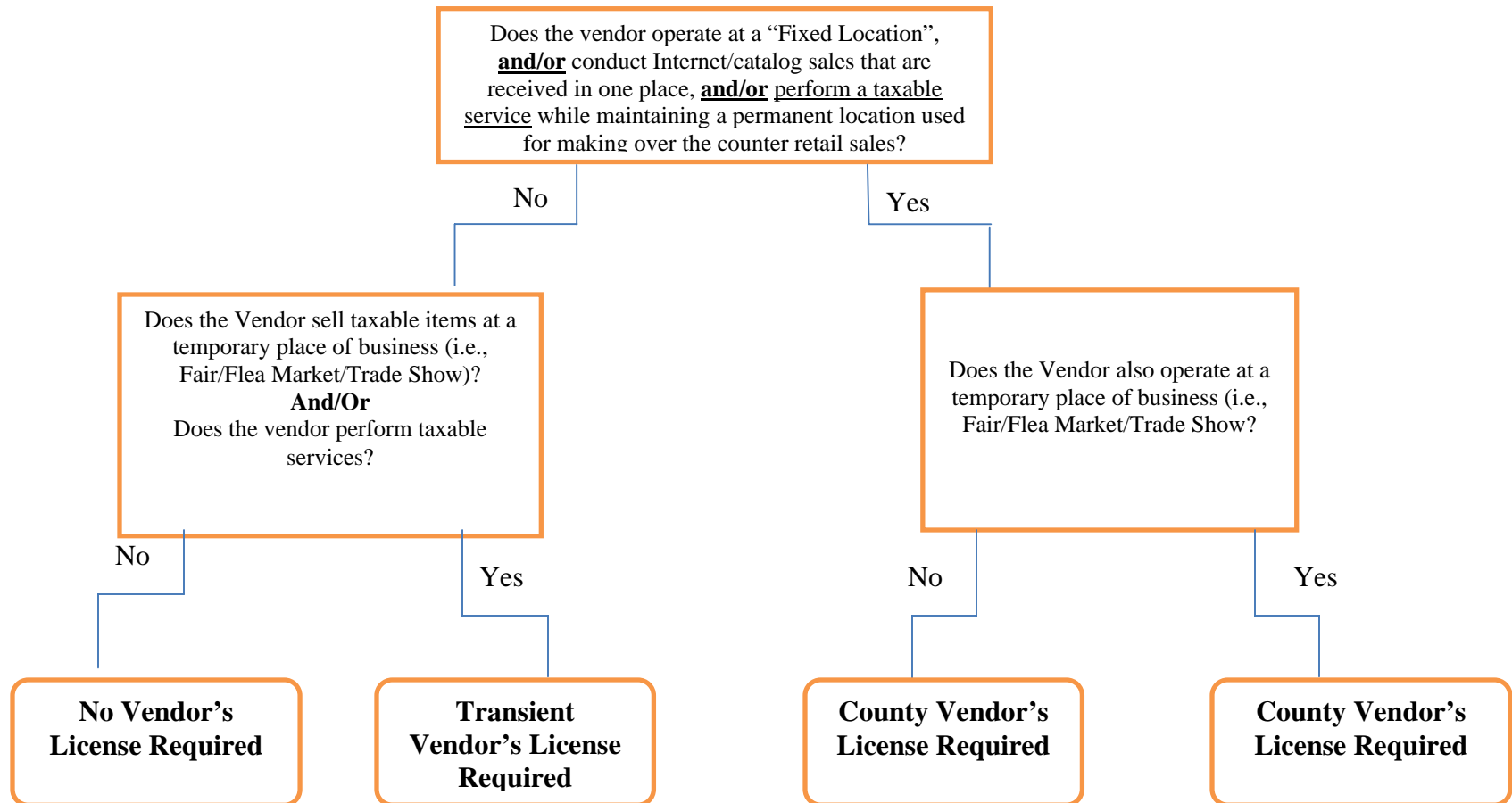


“Fixed Location” is defined in ORC 5739.17(D) as “not temporary if the same person conducted business at the place continuously for more than six months or occupied the premises as the person’s permanent residence for more than six months, or if the person intends it to be a fixed place of business.”

*\*\*Please note: if a vendor maintains a grocery store but has separate vending machines they would require both a county and transient vendor’s license.*



## **Agent FAQs – Guidance for House Bill 508**

*\*\*Please Note: This is not an all encompassing list of all situations, if you have questions, please see a lead agent or supervisor.*

### **1. Define a “fixed location”.**

Ohio revised Code does not specifically define a fixed location, but ORC 5739.17(D) states: “[a location is] not temporary if the same person conducted business at the place continuously for more than six months or occupied the premises as the person’s permanent residence for more than six months, or if the person intends it to be a fixed place of business.”

### **2. If a taxpayer maintains a “fixed location” and travels either within the same county or travels to another county for sales at fairs/trade shows/flea markets, etc? Which vendor’s license is required?**

Per House Bill 508, the vendor would only require a County Vendor’s license. The different county rates should still be charged and reported separately on the County Vendor’s license.

### **3. If a taxpayer currently files under a Transient Vendor’s license and then chooses to open a fixed location, how should the taxpayer proceed?**

The taxpayer will close the Transient Vendor’s license and apply for a County Vendor’s license. The different county rates should still be charged and reported separately on the County Vendor’s license.

### **4. What license is required for Internet Sales?**

Providing the taxpayer maintains one centralized location from which the sales are made, a County Vendor’s license should be obtained. The different county rates should still be charged and reported separately on the County Vendor’s license.

### **5. What license is required for janitorial services?**

If the taxpayer maintains a fixed location (i.e. a place where customers can walk in and purchase tangible personal property), or if the taxpayer maintains a warehouse/shed containing items of tangible personal property to be sold, the taxpayer should obtain a County Vendor’s license. The different county rates should still be charged and reported separately on the County Vendor’s license.

If the taxpayer does not make any retail sales of tangible personal property, they should obtain a Transient vendor’s license.

**6. What license is required for landscaping services or snow removal?**

If the taxpayer maintains a fixed location (i.e. a place where customers can walk in and purchase tangible personal property), or if the taxpayer maintains a warehouse/shed containing items of tangible personal property to be sold, the taxpayer should obtain a County Vendor's license.

If the taxpayer does not make any retail sales of tangible personal property, they should obtain a Transient vendor's license.

**7. If a caterer leases a building to host and cater parties, but also travels to other counties to host and cater, which vendor's license is required?**

The taxpayer would require a County Vendor's license only. The different county rates should still be charged and reported separately on the County Vendor's license.

**8. If a windshield/auto glass repair company maintains a shop that customers can bring their cars to for repair and has a mobile unit to make repairs in other counties, which vendor's license is required?**

The taxpayer would require a County Vendor's license only. The different county rates should still be charged and reported separately on the County Vendor's license.

**9. If a car dealership currently files under both a county and transient license (i.e. County license for sales at fixed location and Transient license for reporting leases) how should the taxpayer proceed?**

The car dealership can close their County Vendor's license. The different county rates for leases should still be charged and reported separately on the County Vendor's license.

**10. If a taxpayer has a County Vendor's license, but has multiple county sales and taxes to report, can the Telefile system still be used?**

No. At this time, if a taxpayer has a County Vendor's license but reports sales and taxes for multiple counties, the Telefile system cannot be used. Please direct the taxpayer to file using the Ohio Business Gateway. The Department is reviewing the issue to change the Telefile system to allow multiple county entries, but this has not been finalized.

**11. Does the \$5,000 threshold still apply to landscaping and/or snow removal businesses that maintain a fixed location?**

Yes. If a taxpayer maintains a fixed location, tax should be charged on any sales made of tangible personal property. For the service portion of the business, the taxpayer would not charge sales tax until they reach the \$5,000.00 threshold.

Note: “Landscaping and lawn care service” and “snow removal service” are each treated separately for determining whether you must register and collect and remit sales tax to the state on your services.

**12. What is an example of a taxpayer being required to obtain both a County and a Transient Vendors’ license?**

At this time, there is only one scenario that has been discussed. That is not to say that other situation may present themselves. For the time being, if a taxpayer maintains a Grocery Store at a fixed location **and** owns vending machines, they will be required to obtain both a County and a Transient Vendor’s license.

**13. Is any notification regarding the changes being provided to the general public?**

There will not be a mass mailing to the general public regarding these changes. The general information has been updated on the tax.ohio.gov website and an Information Release or Administrative Ruling may follow.

**14. If a fair/trade show/flea market, etc. is refusing the rental of space to a taxpayer due to not having a Transient Vendor’s license, how should the taxpayer proceed?**

There will not be a mass mailing to trade shows, flea markets, or fairs informing them of the change. The taxpayer can direct the employees of the trade show, flea market, fair, etc to our website for more information.