

This provides information regarding Use Tax Collection operation of Marketplace facilitators under P.A. 101-0009. (This is a GIL.)

September 5, 2019

Dear Xxxx:

This letter is in response to your letter dated July 29, 2019, in which you requested information. The Department issues two types of letter rulings. Private Letter Rulings (“PLRs”) are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. A PLR is binding on the Department, but only as to the taxpayer who is the subject of the request for ruling and only to the extent the facts recited in the PLR are correct and complete. Persons seeking PLRs must comply with the procedures for PLRs found in the Department’s regulations at 2 Ill. Adm. Code 1200.110. The purpose of a General Information Letter (“GIL”) is to direct taxpayers to Department regulations or other sources of information regarding the topic about which they have inquired. A GIL is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120. You may access our website at www.tax.illinois.gov to review regulations, letter rulings and other types of information relevant to your inquiry.

The nature of your inquiry and the information you have provided require that we respond with a GIL. In your letter you have stated and made inquiry as follows:

FIRM is a sales tax consulting firm. We are submitting the following questions to the State of Illinois, in the spirit of a general information letter (GIL), to request clarification regarding the registration and filing requirements for “marketplace sellers” who sell exclusively with “marketplace provider(s)”:

- a. In the event that a “marketplace seller” sells **exclusively** on registered marketplace platforms, would that individual “marketplace seller” still be required to register for a sales tax permit with Illinois? If so, would they still be required to submit sales tax returns with Illinois even if there will never be any tax liabilities?
- b. In the event that a “marketplace seller” already maintains a registration with Illinois and sells **exclusively** on a registered marketplace platform, would that individual “marketplace seller” be allowed to cancel their permit registration with Illinois on account of them having no current or future sales tax liabilities?

Please note the following statutory authority upon which we are relying:

- c. P.A. 100-587 – Details regarding remote sellers and sales tax registration
- d. S.B. 0689 – Contains provisions regarding marketplace facilitators.

Thank you for your time and please let me know if you have further questions regarding this request.

DEPARTMENT'S RESPONSE:

The Department is currently drafting information, including rules, implementing the provisions of P.A. 101-0009. This information will be provided on the Department's website.

I hope this information is helpful. If you require additional information, please visit our website at www.tax.illinois.gov or contact the Department's Taxpayer Information Division at (217) 782-3336.

Very truly yours,

Jerilynn Troxell Gorden
Deputy General Counsel

JTG:bkl