

**WISCONSIN DEPARTMENT OF REVENUE
DIVISION OF INCOME, SALES, AND EXCISE TAX**

NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to sec. 227.112, Wis. Stats., the Wisconsin Department of Revenue, Division of Income, Sales, and Excise Taxes hereby seeks comment on the proposed guidance document listed in the table below.

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance documents may be submitted online at: <https://www.revenue.wi.gov/Pages/contactUs/proposed-Guidance.aspx>.

DEADLINE FOR SUBMISSION

The period for public comment for proposed guidance documents ends 21 days after publication in the Administrative Register, unless the Governor approves a shorter commenting period.

| Document Number | Document Title |
|------------------------|--|
| 100084 | Sales and Use Tax Permits - Common Questions |

State of Wisconsin
Department of Revenue

Sales and Use Tax Permits

This is a proposed guidance document. The document has been submitted to the Legislative Reference Bureau for publication in the Administrative Register for public comment as provided by sec. 227.112(1), Wis. Stats.

1. What type of permits do I need if I am starting a new business?
 - Seller's Permit
 - Consumer's Use Tax Certificate
 - Use Tax Certificate
 - Other Permits
2. How do I obtain a permit?
3. What if I lose my seller's permit?

1. **What type of permits do I need if I am starting a new business?**
Seller's Permit

- **Who must obtain a seller's permit?**

A seller's permit is required for every individual, partnership, corporation, or other organization making retail sales, leases, or rentals of tangible personal property or taxable services in Wisconsin, unless all sales are exempt from sales or use tax.

NOTE: A seller's permit **will not** be issued to wholesalers, manufacturers and other businesses not making direct retail sales of tangible property or taxable services.

- **When should I apply?**

Apply for a seller's permit at least three weeks before you open your business. If you buy an existing business, the seller's permit cannot be transferred to you. You must apply for a new permit. If you applied for a seller's permit before you opened your business but did not receive the permit at the time of opening the business, you are allowed to make retail sales of tangible personal property and taxable services. However, you are liable for the sales and use taxes and for keeping proper records from the date of opening the business.

- **Security May Be Required**

Before or after the Department of Revenue issues you a seller's permit, it may require you to make a security deposit up to \$15,000. If you do not make a security deposit as requested, the department may refuse to issue you a seller's permit or may revoke your permit.

In determining whether or not security will be required and the amount of security, the department may consider the applicant's payment of all taxes administered by the department and any other relevant fees. Security is most commonly requested when there has been a history of delinquent taxes associated with the applicant.

If a security request is made, the department will send a notice of the requirement and additional information about the calculation of the security amount. Included will be information about the types of security that can be deposited.

Any security deposit will be returned to you if for 24 consecutive months you complied with the sales and use tax law. Refer to sec. Tax 11.925, Wis. Adm. Code, "Sales and Use tax security deposits".

- **Issuance of the Seller's Permit**

After receiving the Application for Business Tax Registration and the security deposit (if requested), a seller's permit will be issued to you by the department. You must display the seller's permit in a prominent location at your place of business. If that is not a fixed location, it should be displayed or carried at the various events. A personal wallet copy will be sent with your seller's permit to provide you with easy access to your permit number.

- **Consumer's Use Tax Certificate**

A consumer's use tax certificate is required for every business that regularly purchases or leases taxable property or services for storage, use, or consumption in Wisconsin upon which sales or use tax was not paid. This certificate is not required if a business already holds a seller's permit or use tax certificate. For additional information, see [Wisconsin Use Tax](#) fact sheet.

- **Use Tax Certificate**

A use tax certificate is required for every out-of-state retailer who is not required to hold a seller's permit, but is engaged in business in Wisconsin and making retail sales, leases, or rentals of tangible personal property or providing taxable services in Wisconsin.

If out-of-state retailers have physical presence (nexus) in Wisconsin, they may be required to register and collect the Wisconsin tax. Further information can be found in [Publication 201, Wisconsin Sales and Use Tax](#).

- **Other Permits**

In addition to the above permits, additional permits may be required for [Alcohol](#), [Fuel](#), [Specialty Taxes](#), or [Tobacco](#).

2. How do I obtain a permit?

You can [register online](#) or complete an [Application for Business Tax Registration](#) and fax or mail it to the department.

3. What if I lose my seller's permit?

If you are a My Tax Account user, your seller's permit is generally included in the list of letters displayed after you click on the "Mail" tab. You can print a copy of your permit without having to contact the department.

You may contact the department to get a replacement by calling (608) 266-2776 or by writing to the Wisconsin Department of Revenue, PO Box 8902, Madison, WI 53708-8902.

Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of November 4, 2019: Sections 77.51, 77.52 and 77.61, Wis. Stats., and secs. Tax 11.002, 11.92 and 11.925, Wis. Adm. Code.

Laws enacted and in effect after November 4, 2019, new administrative rules, and court decisions may change the interpretations in this document. Guidance issued prior to November 4, 2019, that is contrary to the information in this document is superseded by this document, pursuant to sec. 73.16(2)(a), Wis. Stats.

FOR QUESTIONS OR COMMENTS CONTACT:

MS 3-14

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Email additional questions to DORBusinessTax@wisconsin.gov

Guidance Document Certification: <https://www.revenue.wi.gov/Pages/Certification-Statement.aspx>

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