

# TEXAS APPLICATION

## SALES TAX PERMIT

OFF-ROAD, HEAVY DUTY  
DIESEL POWERED  
EQUIPMENT SURCHARGE



## USE TAX PERMIT

9-1-1 EMERGENCY  
COMMUNICATIONS

## FIREWORKS TAX

SUSAN COMBS • TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

*If you are a sole proprietor, start on the next page, Item 10 –*

1. Business Organization Type

☐ Profit Corporation (CT, CF)

☐ Nonprofit Corporation (CN, CM)

☐ Limited Liability Company (CL, CI)

☐ Limited Partnership (PL, PF)

☐ Professional Corporation (CP, CU)

☐ Other (explain) \_\_\_\_\_

☐ General Partnership (PB, PI)

☐ Professional Association (AP, AF)

☐ Business Association (AB, AC)

☐ Joint Venture (PV, PW)

☐ Holding Company (HF)

☐ Business Trust (TF)

☐ Trust (TR) Please submit a copy of the trust agreement with this application.

☐ Real Estate Investment Trust (TH, TI)

☐ Joint Stock Company (ST, SF)

☐ Estate (ES)

2. Legal name of corporation, partnership, limited liability company, association or other legal entity

3. Federal Employer Identification Number (FEIN), if you have one, assigned by the Internal Revenue Service for reporting federal income taxes

4. ☐ Check here if you do not have an FEIN.

5. Please list any current or past 11-digit Texas Taxpayer Number for reporting any taxes or fees to the Texas Comptroller of Public Accounts.

6. Have you ever received a vendor or payee number (Texas Identification Number/TIN)?

☐ YES

☐ NO

If "YES," enter number ...

7. Enter the home state or country where this entity was formed and the formation date

Enter the home state registration/file number

Non-Texas entities: enter the file number if registered with the Texas Secretary of State

8. If the business is a corporation, has it been involved in a merger within the last seven years?

☐ YES

☐ NO

If "YES," attach a detailed explanation.

9. Please list all general partners, officers or managing members (Attach additional sheets, if necessary.)

Name

Phone (Area code and number)

Home address

City

State

ZIP Code

SSN

FEIN

Percent of ownership

County (or country, if outside the U.S.)

Position held:

☐ General Partner

☐ Officer/Director

☐ Managing Member

☐ Other

Name

Phone (Area code and number)

Home address

City

State

ZIP Code

SSN

FEIN

Percent of ownership

County (or country, if outside the U.S.)

Position held:

☐ General Partner

☐ Officer/Director

☐ Managing Member

☐ Other

*Proceed to Item 15 if you are not a sole proprietor –*

ENTITY INFORMATION

# TEXAS APPLICATION FOR SALES TAX PERMIT AND/OR USE TAX PERMIT

• TYPE OR PRINT

• Do NOT write in shaded areas.

**You have certain rights** under Chapters 552 and 559, Government Code, to review, request and correct information we have on file about you. Contact us at the address or numbers listed on this form.

***If you are a sole proprietor, start here –***  
***(If you are NOT a sole proprietor, skip to Item 15, below.)***

10. Legal name of sole proprietor (First, middle initial, last)

11. Social Security number (SSN).....

☐ Check this box if you DO NOT have a Social Security number (SSN).

12. Please list any current or past 11-digit Texas Taxpayer Number for reporting any taxes or fees to the Texas Comptroller of Public Accounts.....

13. Have you ever received a vendor or payee number (Texas Identification Number/TIN)?.....

☐ YES    ☐ NO

If "YES," enter number .....

14. Federal Employer Identification Number (FEIN), if you have one, assigned by the Internal Revenue Service for reporting federal income taxes.....

***All applicants continue here –***

15. Mailing address of **taxpaying entity** - This address is for an individual or the party responsible for making decisions regarding address changes and banking changes and who is responsible for overall account management and account security. Please provide complete address including suite, apartment or personal mailbox number. Indicate whether the address is on a street, avenue, parkway, drive, etc., and whether there is a directional indicator (e.g., North Lamar Blvd.).

Street number and name, P.O. Box or rural route and box number

Suite/Apt. #

City

State/province

ZIP Code

County (or country, if outside the U.S.)

16. Daytime phone number (Area code and number).....

17. FAX number (Area code and number).....

18. Mobile/cellular phone number (Area code and number).....

19. Business/alternate e-mail address.....

20. Business Web site address(es) .....

21. Contact person for business records

Name

Street address (if different from the address in Item 15)

Phone number (Area code, number and extension)

Alternate contact

Name

Street address (if different from the address in Item 15)

Phone number (Area code, number and extension)

22. Name of bank or other financial institution

☐ Business    ☐ Personal

23. If you will be accepting payments by credit card and/or through an online payment processing company, enter the name of the processor.

Merchant identification number (MID) assigned by processor

SOLE PROPRIETORS

BUSINESS

# TEXAS APPLICATION FOR SALES TAX PERMIT AND/OR USE TAX PERMIT

Legal name (Same as Item 2 OR Item 10)

**Complete all information in this section for each PLACE OF BUSINESS in Texas.**  
**If you do not have a physical PLACE OF BUSINESS in Texas, skip to Item 29.**

24. **PLACE OF BUSINESS** name and address - This address is for the physical location where business is conducted. **(Attach additional sheets for each PLACE OF BUSINESS in Texas.)**

Business name (DBA)

Street address (include St, Av, Ct, etc.) or rural route and box number **(Do NOT use P.O. Box address--must provide physical location address.)**

Suite/Apt. number

City

State

ZIP Code

Business location phone

T, X

If this **PLACE OF BUSINESS** address is difficult to find or includes a rural route and box number, provide the physical location or directions.

**See instructions prior to answering Items 25 and 26.**

25. Within what city limits is this **PLACE OF BUSINESS**?

☐ Check this box if this **PLACE OF BUSINESS** is **NOT** located within the limits of a city in Texas.

26. Within what county is this **PLACE OF BUSINESS**?

27. Is this **PLACE OF BUSINESS** operated from your home? ..... ☐ YES ☐ NO

28. Enter the name and address of the owner or landlord of this **PLACE OF BUSINESS**.

29. Will your anticipated monthly taxable sales exceed \$8,000 per month? ..... ☐ YES ☐ NO

30. Enter the date that you will begin making sales or begin other operations subject to Texas sales and use tax. **(Date cannot be more than 90 days in the future.)** ..... Month Day Year

31. Will you operate this business all year? ..... ☐ YES ☐ NO  
If "NO," list the months you will operate. ....

32. Will you provide taxable services AT A CUSTOMER'S LOCATION and/or ship/deliver goods to customers? ..... ☐ YES ☐ NO

33. Will you be conducting Internet and/or mail order sales? ..... ☐ YES ☐ NO  
NAICS code

34. Enter your North American Industry Classification System (NAICS) code. **(See specific instructions.)** .....  
If you don't know your NAICS code, indicate your principal type of business.

- |  |  |                                       |   |   |
|--|--|---------------------------------------|---|---|
| <input type="checkbox"/> Agriculture   | <input type="checkbox"/> Transportation  | <input type="checkbox"/> Retail Trade | <input type="checkbox"/> Real Estate                          | <input type="checkbox"/> Direct Sales / Marketing |
| <input type="checkbox"/> Mining        | <input type="checkbox"/> Finance         | <input type="checkbox"/> Services     | <input type="checkbox"/> Communications <b>(See Item 38.)</b> |   |
| <input type="checkbox"/> Construction  | <input type="checkbox"/> Utilities       | <input type="checkbox"/> Insurance    | <input type="checkbox"/> Public Administration                |   |
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Wholesale Trade | <input type="checkbox"/> Health Spa   | <input type="checkbox"/> Other <b>(explain)</b>               |   |

Primary business activity and type of products or services to be sold.

35. Will you sell or solicit business at temporary locations (fairs, trade shows, flea markets, carnivals, etc.) in Texas? ..... ☐ YES ☐ NO  
If "YES," list the locations or event names and when you will be at the location or event. **(Attach additional sheets, if necessary.)**

Location and/or event name (e.g., Canton First Mondays, State Fair in Dallas, etc.)

Period in attendance (e.g., first weekend of each month, late October, etc.)

36. Will you be required to report interest earned on sales tax? **(See specific instructions.)** ..... ☐ YES ☐ NO (48)

37. List location of all distribution points, warehouses or offices in Texas. **(Do not include locations that are considered a place of business.)**  
**(Attach additional sheets, if necessary.)**

Street

City

State

ZIP Code

T, X

T, X

**If you will be providing telecommunications services, complete Item 38; if not, skip to Item 39.**

38. 9-1-1 emergency communications fees you collect under Health & Safety Code, Chapter 771. **(Check all that apply.)** (54)
- |  |   |  |
|--|---|--|
| <input type="checkbox"/> 9-1-1 (Wireless) Emergency Service Fee (91) | <input type="checkbox"/> 9-1-1 Emergency Service Fee (92) | <input type="checkbox"/> 9-1-1 Equalization Surcharge (93) |
|--|---|--|

PLACE OF BUSINESS INFORMATION

911 FEES

# TEXAS APPLICATION FOR SALES TAX PERMIT AND/OR USE TAX PERMIT

Legal name (Same as Item 2 OR Item 10)

RELATED INFORMATION

**If you will be selling fireworks, complete Items 39 - 41; if not, skip to Item 42.**

39. Date of first operation that is subject to fireworks tax ..... Month Day Year
40. What type of fireworks permit was issued by the Texas Department of Insurance? (See specific instructions.)  
☐ Distributor ☐ Jobber ☐ Manufacturer ☐ Retailer
41. Will you make retail sales of fireworks to the general public under a consignment agreement? (Consignment sales are sales where the consignee pays the distributor only for items that the consignee sells and returns any unsold items.) ..... ☐ YES ☐ NO (30)  
 If "YES," provide the name and taxpayer number of the distributor for whom you are selling.  
 Distributor name ..... Distributor Texas taxpayer number .....
42. Will you sell, lease or rent off-road, heavy duty (50 horsepower or more) diesel powered equipment? ..... ☐ YES ☐ NO (50)
43. Is this permit for a winery located outside of Texas that will be shipping wine to consumers in Texas? ..... ☐ YES ☐ NO  
 If "YES," **you must obtain an Out-of-State Winery Direct Shipper's Permit from the Texas Alcoholic Beverage Commission.** (See instructions.)
44. Please provide the Texas Alcoholic Beverage Commission license number(s) for this address. ....
45. Will you sell memberships to a health spa? ..... ☐ YES ☐ NO  
 If "YES," **you must attach a copy of your certificate of registration issued by the Texas Secretary of State.**
46. If you do not have a place of business in Texas, list names and addresses of all representatives, agents, salespersons, canvassers or solicitors in Texas. (Attach additional sheets if necessary.)  
 Name (First, middle initial, last) .....  
 Street ..... City ..... State **T X** ZIP Code .....

PREVIOUS OWNER

**If you purchased an existing business or business assets, complete Item 47; if not, skip to Item 48.**

47. Previous owner's trade name (DBA name) ..... Previous owner's taxpayer number (if available) .....
- Previous owner's legal name, address and phone number, if available  
 Name ..... Title ..... Phone (Area code and number) ( ) - .....  
 Street address ..... City ..... State ..... ZIP Code .....
- Check each of the following items you purchased. ☐ Inventory ☐ Corporate stock ☐ Equipment ☐ Real estate ☐ Other assets
- Purchase price of this business or assets and the date of purchase  
 Purchase price \$ ..... Date of purchase Month Day Year .....

SIGNATURES

**APPLICANTS MUST BE AT LEAST 18 YEARS OF AGE. Parents or legal guardians may obtain a sales tax permit on behalf of a minor.**

48. The sole proprietor, ALL general partners, members, officers, directors or an authorized representative must sign. The representative must submit a written power of attorney. (Attach additional sheets if necessary.) Date of signature(s) Month Day Year .....
- I (We) declare that the information in this document and any attachments is true and correct to the best of my (our) knowledge and belief.
- Type or print name and title of sole proprietor, partner, officer, director or member .....  
 Driver license number/state ..... Date of birth ..... **sign here** ▶ Sole proprietor, partner, officer or member .....
- Type or print name and title of partner, officer or member .....  
 Driver license number/state ..... Date of birth ..... **sign here** ▶ Partner, officer or member .....
- Type or print name and title of partner, officer or member .....  
 Driver license number/state ..... Date of birth ..... **sign here** ▶ Partner, officer or member .....

**WARNING. You may be required to obtain an additional permit or license from the State of Texas or from a local governmental entity to conduct business. A listing of links relating to acquiring licenses, permits, and registrations from the State of Texas is available online at <http://www.TexasOnline.com/portal/tol/en/9/1>. You may also want to contact the municipality and county in which you will conduct business to determine any local governmental requirements.**

# INSTRUCTIONS FOR COMPLETING TEXAS SALES AND USE TAX PERMIT APPLICATION



**SUSAN COMBS • TEXAS COMPTROLLER OF PUBLIC ACCOUNTS**

## **GENERAL INSTRUCTIONS** **Texas Sales and Use Tax Application**

**Applicants must be at least 18 years of age. Parents/Legal Guardians may apply for a permit on behalf of a minor.**

### **ENGAGED IN BUSINESS**

You are engaged in business if you or your independent salespersons make sales, leases or rentals, or take orders for tangible personal property, or deliver tangible personal property or perform taxable services; or have lease (personal) property, a warehouse or other location in Texas; or benefit from a location in Texas of authorized installations, servicing or repair facilities; or allow a franchisee or licensee to operate under your trade name if they are required to collect Texas tax.

### **WHO MUST SUBMIT THIS APPLICATION**

You must obtain a sales tax permit if:

- you are an individual, partnership, corporation or organization engaged in business in Texas; **AND**
- you are selling tangible personal property or providing taxable services in Texas to customers in Texas; **AND/OR**
- you acquire tangible personal property or taxable services from out-of-state suppliers that do not hold a Texas permit; **OR**
- you are a business service user that provides local exchange access, equivalent local exchange access, wireless telecommunications connections, or intrastate long-distance service, and you are responsible for collecting emergency communications charges and/or surcharges under Texas Health and Safety Code, Chapter 771; **OR**
- you collect tax on the retail sale of fireworks; (you are required to charge both the sales tax and the fireworks tax) **OR**
- you collect tax on the sale of health spa memberships; **OR**
- you sell, lease or rent off-road, heavy duty diesel powered equipment (you are required to charge both the sales tax and the surcharge); **OR**
- you are an out-of-state winery direct shipping wine to consumers in Texas (you are required to obtain an Out-of-State Winery Direct Shipper permit from the Texas Alcoholic Beverage Commission); **OR**
- you sell cigarettes, cigars and/or tobacco products to consumers in Texas (you are also required to obtain a cigarette/tobacco retailer's permit, AP-193. Refer to Cigarette/Tobacco Products under Texas Taxes); **OR**
- you are an individual, partnership, corporation or organization who makes sales, leases or rentals of taxable items in Texas but does NOT have a place of business in Texas, **AND** for out-of-state contractors improving real property in Texas with tangible personal property purchased outside of Texas.

Wholesalers and retailers must apply for a sales tax permit. Internet and catalog sellers engaged in business in Texas must be permitted and are responsible for collecting and remitting the applicable state and local taxes on sales delivered to customers in Texas.

### **DIRECT SALES AND MULTI-LEVEL MARKETING COMPANIES**

The state of Texas requires direct sales organizations to collect and remit state and local sales and use taxes on sales made by distributors in Texas. Since the Direct Sales Company is regarded as the retailer, permits are not issued to distributors and direct sales organizations are required to collect sales tax from the independent distributors rather than accept resale certificates.

### **TAXPAYER SEMINARS**

The Texas Comptroller's office offers taxpayer seminars throughout the state each year. New taxpayers are especially encouraged to attend these overviews of tax responsibilities for buyers, sellers and service providers.

Schedule information is available online at [www.window.state.tx.us/taxinfo/seminars.html](http://www.window.state.tx.us/taxinfo/seminars.html) or call us at (800) 252-5555 for assistance in locating the next seminar near you.

### **OTHER REQUIREMENTS**

If the business has or will have employees, contact the Texas Workforce Commission ([www.twc.state.tx.us](http://www.twc.state.tx.us) or by phone at (512) 463-2731).

For information about federal income taxes, contact the Internal Revenue Service ([www.irs.gov](http://www.irs.gov) or by phone at (800) 829-1040).

Social Security information can be found online at: [www.ssa.gov](http://www.ssa.gov).

For information related to new businesses and Texas permits and licenses, visit [www.texasonline.gov](http://www.texasonline.gov).

You may also check with your city, tax assessor-collector or local chamber of commerce to determine if there are any local taxes, permits or fees for which you may be responsible.

### **FOR ASSISTANCE**

If you have any questions about the sales tax permit registration process, please contact your nearest Texas State Comptroller's office, or call us toll free at (800) 252-5555. The local number in Austin is (512) 463-4600. Our e-mail address is [taxhelp@cpa.state.tx.us](mailto:taxhelp@cpa.state.tx.us) or see our frequently asked questions online at [www.window.state.tx.us/taxinfo/sales/questions.html](http://www.window.state.tx.us/taxinfo/sales/questions.html). Representatives are available to assist you with permit questions, by phone, Monday through Friday (except federal holidays) from 7:30 A.M. to 5:30 P.M.

**FEDERAL PRIVACY ACT** - Disclosure of your social security number is required and authorized under law, for the purpose of tax administration and identification of any individual affected by applicable law, 42 U.S.C. §405(c)(2)(C)(i); Tex. Govt. Code §§403.011 and 403.078. Release of information on this form in response to a public information request will be governed by the Public Information Act, Chapter 552, Government Code, and applicable federal law.

**SALES TAX BOND** - You may need to post a bond or other security for this permit. You will receive additional instructions if a bond is required.

**AMERICANS WITH DISABILITIES ACT** - In compliance with the Americans with Disabilities Act, this document may be requested in alternative formats by calling toll free (800) 252-5555.

*Under Ch. 559, Government Code, you are entitled to review, request and correct information we have on file about you, with limited exceptions in accordance with Ch. 552, Government Code. To request information for review or to request error correction, contact us at the address or toll-free number listed on this form.*

Below is a listing of taxes and fees collected by the Comptroller of Public Accounts. If you are responsible for reporting or paying one of the listed taxes or fees, and you **DO NOT HAVE A PERMIT OR AN ACCOUNT WITH US FOR THIS PURPOSE**, please obtain the proper application by calling toll free (800) 252-5555, or by visiting your local Comptroller Enforcement field office. Applications are available online at [www.window.state.tx.us/taxinfo/taxforms/00-forms.html](http://www.window.state.tx.us/taxinfo/taxforms/00-forms.html).

TAX TYPE(S)	
	<p><b>9-1-1 Emergency Service Fee/Equalization Surcharge</b> - If you are a telecommunications utility, a mobile service provider or a business service user that provides local exchange access, equivalent local exchange access, wireless telecommunications connections or intrastate long-distance service, and you are responsible for collecting emergency communications charges and/or surcharges, you must complete <b>Form AP-201</b>.</p> <p><b>Amusement Tax</b> - If you engage in any business dealing with coin-operated machines OR engage in business to own or operate coin-operated machines exclusively in your own premises or in someone else's place of business, you must complete <b>Form AP-146</b> or <b>Form AP-147</b>.</p> <p><b>Automotive Oil Sales Fee</b> - If you manufacture and sell automotive oil in Texas; or you import or cause automotive oil to be imported into Texas for sale, use or consumption; or you sell more than 25,000 gallons of automotive oil annually and you own a warehouse or distribution center located in Texas, you must complete <b>Form AP-161</b>.</p> <p><b>Battery Sales Fee</b> - If you sell or offer to sell new or used lead acid batteries, you must complete <b>Form AP-160</b>.</p> <p><b>Cement Production Tax</b> - If you manufacture or produce cement in Texas, or you import cement into Texas and you distribute or sell cement in intrastate commerce or use the cement in Texas, you must complete <b>Form AP-171</b>.</p> <p><b>Cigarette, Cigar and/or Tobacco Products Tax</b> - If you wholesale, distribute, store or make retail sales of cigarettes, cigars and/or tobacco products, you must complete <b>Form AP-175</b> or <b>Form AP-193</b>.</p> <p><b>Coastal Protection Fee</b> - If you transfer crude oil and condensate from or to vessels at a marine terminal located in Texas, you must complete <b>Form AP-159</b>.</p> <p><b>Crude Oil and Natural Gas Production Taxes</b> - If you produce and/or purchase crude oil and/or natural gas, you must complete <b>Form AP-134</b>.</p> <p><b>Direct Payment Permit</b> - If you annually purchase at least \$800,000 worth of taxable items for your own use and not for resale, you must complete <b>Form AP-101</b> to qualify for the permit.</p> <p><b>Fireworks Tax</b> - If you collect tax on the retail sale of fireworks, you must complete <b>Form AP-201</b>. This is in addition to the sales tax permit. You are required to charge both the sales tax and the fireworks tax.</p> <p><b>Franchise Tax</b> - If you are a non-Texas corporation or a non-Texas limited liability company without a certificate of authority, you must complete <b>Form AP-114</b>.</p> <p><b>Fuels Tax</b> - If you are required to be licensed under Texas Fuels Tax Law for the type and class permit required, you must complete <b>Form AP-133</b>.</p> <p><b>Gross Receipts Tax</b> - If you provide certain services on oil and gas wells OR are a utility company located in an incorporated city or town having a population of more than 1,000 according to the most recent federal census and intend to do business in Texas, you must complete <b>Form AP-110</b>.</p> <p><b>Off-Road, Heavy Duty Diesel Powered Equipment Surcharge</b> - If you sell, lease or rent off-road, heavy duty diesel powered equipment, you must complete <b>Form AP-201</b>. This is in addition to the sales tax permit. You are required to charge both the sales tax and the surcharge.</p> <p><b>Hotel Occupancy Tax</b> - If you provide sleeping accommodations to the public for a cost of \$15 or more per day, you must complete <b>Form AP-102</b>.</p> <p><b>International Fuel Tax Agreement (IFTA)</b> - If you operate qualified motor vehicles which require you to be licensed under the International Fuel Tax Agreement, you must complete <b>Form AP-178</b>.</p> <p><b>Manufactured Housing Sales Tax</b> - If you are a manufacturer of manufactured homes or industrialized housing engaged in business in Texas, you must complete <b>Form AP-118</b>.</p> <p><b>Maquiladora Export Permit</b> - If you are a maquiladora enterprise and wish to make tax-free purchases in Texas for export to Mexico, you must complete <b>Form AP-153</b>, to receive the permit.</p> <p><b>Motor Vehicle Seller-Financed Sales Tax</b> - If you finance sales of motor vehicles and collect Motor Vehicle Sales Tax in periodic payments, you must complete <b>Form AP-169</b>.</p> <p><b>Motor Vehicle Gross Rental Tax</b> - If you rent motor vehicles in Texas, you must complete <b>Form AP-143</b>.</p> <p><b>Petroleum Products Delivery Fee</b> - If you are required to be licensed under Texas Water Code, sec. 26.3574, you must complete <b>Form AP-154</b>.</p> <p><b>Sales and Use Tax</b> - If you engage in business in Texas AND you sell or lease tangible personal property or provide taxable services in Texas to customers in Texas; and/or you acquire tangible personal property or taxable services from out-of-state suppliers that do not hold a Texas Sales or Use Tax permit, you must complete <b>Form AP-201</b>.</p> <p><b>Sulphur Production Tax</b> - If you own, control, manage, lease or operate a sulphur mine, well or shaft, or produce sulphur by any method, system or manner, you must complete <b>Form AP-171</b>.</p> <p><b>Texas Customs Broker License</b> - If you have been licensed by the United States Customs Service AND want to issue export certifications, you must complete <b>Form AP-168</b>.</p>



## **SPECIFIC INSTRUCTIONS**

### **ENTITY INFORMATION**

- Item 2.** Enter the legal name of the entity applying for the Texas Sales and Use Tax permit. Do not enter a doing business as (DBA) name in this space.
- Item 3.** Federal Employer Identification Numbers (FEIN) for reporting federal income taxes are issued by the Internal Revenue Service (IRS). If you need a FEIN, contact the IRS at (800) 829-1040 or go to their Web page at [www.irs.gov](http://www.irs.gov).
- Item 5.** If the applicant, partner or organization has registered for reporting any Texas state taxes (franchise, fuels, hotel, etc.) to the Comptroller's office, enter the 11-digit taxpayer number assigned to the account. Leave this field blank if the applicant(s) has not previously registered with the Comptroller's office.
- Item 6.** If the organization or partner has registered for a Texas Identification Number (TIN) as a vendor to the state, enter the 11-digit taxpayer number assigned to the account. Leave this field blank if the applicant(s) has not previously registered with the Comptroller's office.
- Item 7.** File numbers are issued by the Texas Secretary of State (SOS) when the certificate of formation is filed to create the legal entity. Contact the SOS at (512) 463-5555, or go to their Web page, [www.sos.state.tx.us](http://www.sos.state.tx.us), if you need assistance locating this information. Entities that were legally formed in other states or countries may need to obtain an application for registration from the SOS to legally conduct business in Texas. For information on the requirements and how to obtain an application for registration, contact the Secretary of State at (512) 463-5555 or go to their Web page at [www.sos.state.tx.us](http://www.sos.state.tx.us). Entities that are not registered with the SOS should leave this field blank. Limited partnerships and limited liability partnerships must provide a copy of their registration documentation filed with the state where the entity was legally created.
- Item 8.** If the applicant is a corporation that has been involved in a merger within the last seven years, provide documentation of the transaction such as a copy of the merger documents filed with the state of incorporation and or a copy of the merger agreement.
- Item 9.** A social security number (SSN) must be provided for all general partners, principal members/officers, managing directors, managers or trustees. If the general partner is a corporation, limited liability company or partnership, provide the FEIN assigned to the entity by the IRS, if applicable.

### **SOLE PROPRIETOR INFORMATION**

- Item 10.** Enter the legal name of the person applying for the Texas Sales and Use Tax permit. Do not enter a DBA name in this space. Single Member Limited Liability Companies and sole owner corporations should complete Items 1-9, then skip to Item 15.
- Item 11.** Enter the SSN of the person applying for the permit. Social security numbers are obtained for internal use only by the Comptroller's office and are not made available to the general public. If the applicant does not have a social security number, DO NOT enter a temporary or other number assigned by the IRS for use when filing federal income taxes.
- Item 12.** If the applicant, partner or organization has registered for reporting any Texas state taxes (franchise, fuels, hotel, etc.) to the Comptroller's office, enter the 11-digit taxpayer number assigned to the account. Leave this field blank if the applicant(s) has not previously registered with the Comptroller's office.
- Item 13.** If the organization or partner has registered for a TIN as a vendor to the state, enter the 11-digit taxpayer number assigned to the account. Leave this field blank if the applicant(s) has not previously registered with the Comptroller's office.
- Item 14.** Federal Employer Identification Numbers for reporting federal income taxes are issued by the IRS. If you need a FEIN, contact the IRS at (800) 829-1040 or go to their Web site at [www.irs.gov](http://www.irs.gov).

### **GENERAL BUSINESS INFORMATION**

- Item 15.** Please enter the address where you would like your sales tax information mailed. Provide a complete mailing address, including building number and suite or apartment number if applicable. Indicate if the address is on a street, court or boulevard and if there is a directional indicator (ex: North, Northeast). Indicate vanity postal city if applicable (ex: Lakeway instead of Austin, Alamo Heights instead of San Antonio, etc. See [www.usps.com](http://www.usps.com) for correct standardized address.) If the mailing address is located outside of the United States, provide the mailing address used for postal delivery in the country where the information will be sent.
- Item 23.** If you will accept payment by credit card, or if you will accept payments through an online payment processing company (such as PayPal), enter the name of the merchant credit card processor and/or online payment processor and the Merchant Identification Number assigned by the processor.

### **PLACE OF BUSINESS INFORMATION**

**PLACE OF BUSINESS OR BUSINESS LOCATION:** Any store, office or location where you receive orders for tangible personal property or taxable services or make sales, leases or rentals of tangible personal property or taxable services at least three times or more in a calendar year. (See 34 Tex. Admin. Code, Rule 3.286: Seller's and Purchaser's Responsibilities.)

- Item 24.** Provide the registered doing business as (DBA) name, or the name under which you are otherwise conducting business, and, if applicable, the name of the shopping center or building in which the business is located, and the physical address of your business location. Enter the actual location of your business, number and street address. Example: "323 Jones Road." Do not use a PO Box or Rural Route number. (If your home is a location where you receive orders, that would be considered a place of business.) You may add meaningful directions (e.g, 2 miles south of FM 1960 on Jones Rd).
- Item 25.** If the place of business is physically located within the boundaries of a city, provide the name of that city. It may be different from the postal city name provided in Item 26. (Example: A business that is within the city limits of Houston may be located in a zip code area that uses Friendswood as the postal city name.) You may need to contact the city planning office, or the tax appraisal district, to determine the city where your business is actually located. If the place of business is not located within city limits, check the indicated box.
- Item 26.** Provide the name of the county where this business is physically located. (Example: A business that is outside the city limits of Beaumont may be located in Orange County, not Jefferson County. A business that is located inside the city limits of San Marcos may be in either Hays County or Caldwell County.)
- Item 32.** Mark the "yes" box if you will be mailing or shipping taxable items to customers or if you will be traveling to customers' locations to provide taxable services. (Example: A company providing landscaping services should check "YES.")
- Item 34.** Provide the North American Industry Classification System (NAICS) code for your business or check the box that indicates the general type of industry in which the applicant is engaged. The Comptroller's office uses the NAICS, a product of the U.S. Census Bureau, to assign a code that indicates the general type of business operated in Texas.
- It is easy to determine the NAICS code associated with your business. The Web address is [www.census.gov/epcd/naics07/index.html](http://www.census.gov/epcd/naics07/index.html). Enter one word in the keyword search field that generally describes your business. For example, if you're in the restaurant business, enter "restaurant." The search will return several options. To the right of each listing is the associated six-digit NAICS code. Please select the code that best fits your business.
- Explain the type of business operated and/or primary type of products sold. For example: "Bookkeeping for small businesses," "Interior Decorator for homes."
- Item 35.** List all locations or events in Texas where you will be selling or soliciting business on a temporary or recurring basis; include the dates (if known)

when you will be at that location, even if you are selling from a van or cargo truck in a parking lot. (Example: parking lot on the corner of Hollywood and Vine; first weekend of each month).

**Item 36.** You will be required to report interest earned on sales tax if all the following are true:

- you include installment payments that were received during a reporting period in "TOTAL SALES" on your sales tax return for that period (i.e. you keep your records on a **cash basis of accounting**); **AND**
- you make retail sales of taxable items on an installment purchase plan or deferred payment plan; **AND**
- you charge interest on the entire balance, including sales tax, on the sale of taxable items made on installment purchases or deferred payment plans; **AND**
- you do your own financing on some accounts on which interest is charged.

**Item 37.** List all locations (storage unit, warehouse, home office, etc.) that are operated by the company in Texas that do not accept three or more orders per year.

**Item 38.** If you are a telecommunications utility, a mobile service provider or a business service user that provides local exchange access, equivalent local exchange access, wireless telecommunications connections or intrastate long-distance service, you are responsible for collecting emergency communications charges and/or surcharges.

**Items 39-41.** In addition to a sales tax permit, you must be permitted by the Texas Department of Insurance to sell fireworks in Texas. Sellers of fireworks must collect sales and use tax and an additional 2% fireworks tax. Contact the Texas Department of Insurance ([www.tdi.state.tx.us](http://www.tdi.state.tx.us)) for additional information about fireworks permits. Additional information about fireworks tax is available online at [www.window.state.tx.us/taxinfo/fireworks](http://www.window.state.tx.us/taxinfo/fireworks).

Consignment sales are sales where the consignee pays the distributor only for items that the consignee sells and returns any unsold items to the distributor. The Comptroller regards all distributors who make consignment sales of fireworks to consignees to be the retailers of those fireworks for both sales tax and fireworks tax purposes. Distributors who make consignment sales of fireworks must collect and remit sales tax and fireworks tax on all Texas sales made by their consignees.

These definitions are found in the Occupations Code, Ch. 2154, Regulation of Fireworks and Fireworks Displays.

**Manufacturer:** A person, firm, corporation or association who makes fireworks.

**Distributor:** A person who imports fireworks into this state or sells fireworks to a jobber, retailer or other distributor for resale; or a holder of a single public display permit, a multiple display permit or another fireworks permit.

**Jobber:** A person who purchases fireworks for resale only to retailers.

**Retailer:** A person who purchases fireworks for resale only to the general public.

**Item 42.** The sale, lease or rental of off-road heavy duty (50 horsepower or greater) diesel equipment is subject to sales and use tax and an additional 2% surcharge. Information about the off-road, heavy-duty diesel equipment surcharge is available online at [www.window.state.tx.us/taxinfo/mtr\\_veh/mv\\_offroad.html](http://www.window.state.tx.us/taxinfo/mtr_veh/mv_offroad.html) or contact one of our representatives at (800) 252-5555 or at a local field office.

**Item 43.** If you sell alcoholic beverages in Texas you must be permitted by the Texas Alcoholic Beverage Commission (TABC) in addition to being permitted for the collection of sales and use tax. Contact TABC at [www.tabc.state.tx.us](http://www.tabc.state.tx.us) or by phone at (512) 206-3360.

**Item 45.** Health Spas are defined as any business that offers for sale, or sells, memberships that provide the members instruction in or the use of facilities for a physical exercise program. Health spa operators must register with SOS and include a copy of their certificate of registration when applying for a sales tax permit. (See *Occupations Code* §§ 702.003, 702.101 and 702.107 for more details.) Examples may include a gym, circuit training and any other fitness facility that sells memberships.

**Item 46.** If you do **NOT** have a place of business in Texas, list the names and addresses of all representatives, agents, contractors or others representing your business in Texas. Do not complete this section if you have a place of business in this state.

**Item 48.** Sign and date the application. The completed application can be delivered in person to any of our local offices or mailed to our main office at

COMPTROLLER OF PUBLIC ACCOUNTS  
111 E. 17th Street  
Austin, TX 78774-0100

You will generally receive your permit approximately four weeks after we have received your completed and signed application. Incomplete applications may delay the process.