

States with Economic Nexus Laws as of January 1, 2019

STATE AND ENACTING LEGISLATION, REGULATION OR POLICY	SALES THRESHOLD ¹	TRANSACTIONS THRESHOLD ²	ENFORCEMENT DATE ³	LINKS TO STATE PRESS RELEASES, FAQs, UPDATES AND DATE ISSUED	OTHER CRITERIA, ADDITIONAL COMMENTS
ALABAMA Ala. Admin. Code Sec. 810-6-2-.90.03	Sales of TPP ⁴ of <i>more than \$250,000</i> in prior calendar year	No transaction threshold – however, other criteria must be met (see Additional Comment)	Oct 1 2018 ⁵ (<i>prospective enforcement</i>)	AL DOR Press Release (7/3/2018), AL Simplified Seller's Use Tax FAQs	Seller must also engage in or conduct certain other activities in Alabama in addition to having more than \$250,000 in sales. ⁶ <i>Eligible</i> remote sellers have option to apply and collect under Alabama's Simplified Seller's Use Tax program.
CALIFORNIA CDTFA News Release NR 59-18, CDTFA Special Notice L-565	Retail sales of <i>more than \$100,000</i> in prior or current calendar year	OR 200 or more separate transactions	Apr 1 2019 (<i>prospective enforcement</i>)	CDTFA News Release NR 59-18 (12/11/2018), CDTFA Use Tax Collection Requirements Due to Wayfair Decision FAQs (12/12/2018), CDTFA Special Notice L-565	The same economic nexus thresholds apply for determining whether a remote retailer must also collect California district taxes.

¹ IMPORTANT REGARDING SALES THRESHOLDS: When reviewing this chart, note that in some states the sales threshold is the specified sales amount OR MORE (e.g., Connecticut, Georgia); while in others it is MORE THAN the specified sales amount (e.g., Alabama). Also, note that in many states, the law makes no distinction between taxable and non-taxable sales. *Therefore, an out-of-state seller whose sales into an economic nexus state are largely exempt sales (such as "sales for resale") may still exceed the sales or transaction thresholds even if many of their sales would not be subject to sales tax.*

² IMPORTANT REGARDING TRANSACTIONS THRESHOLDS: Note that in many states, if EITHER of the thresholds is met, the seller would have economic nexus (e.g., GA, IN, SD, etc.). But in other states, BOTH thresholds must be met for the seller to be subject to the state's economic nexus law (e.g., CT, MA).

³ In several states, economic nexus legislation was enacted with an effective date that was prior to the *Wayfair* decision. Due to litigation that arose challenging these pre-Wayfair economic nexus laws, states were not able to enforce their economic nexus laws on the legislation's effective date. After Wayfair, these states announced the date on which they would start enforcing their economic nexus rule (which was later than the law's effective date in several states).

⁴ TPP is the common abbreviation for tangible personal property, e.g., products, goods, etc.

⁵ Alabama's economic nexus regulation had an original effective date of Jan 1, 2016 however, the Alabama regulation could not be enforced until *Wayfair* was decided. On July 3, 2018, the Alabama DOR announced its regulation would become effective on Oct 1, 2018. See the Alabama DOR [Press Release](#) for more information. The Alabama Notice also indicates that remote sellers who can demonstrate that a marketplace facilitator is collecting and remitting Simplified Seller's Use Tax (SSUT) or sales tax on their Alabama sales will be relieved of complying with the remote seller requirements. On July 20, 2018, Alabama issued a NEW regulation (AL Reg. [810-6-2-.90.04](#) – Requirements for Certain Marketplace Facilitators and Marketplace Sellers).

⁶ An out-of-state seller must also engage in or conduct one of more of the activities in addition to exceeding the sales threshold: (1) occupying, using a facility directly or indirectly (though sub or agent); (2) employing and/ or engaging a sales rep, agent, solicitor, installer; (3) engaging in substantial & recurring solicitation of orders for tangible personal property if the seller benefits from banking, financing, debt collection, telecommunication or marketing activities in Alabama or from authorized installation, servicing or repair facilities located in Alabama.

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COLORADO Colo. Code Regs. 39-26-105(4)(a)(II)	Gross revenue from sales of TPP or services delivered into CO of <i>more than \$100,000</i> in prior or current calendar year	OR 200 or more separate transactions	May 31, 2019 <i>(prospective enforcement)</i>	CO DOR News Release "Colorado to require online retailers to collect sales tax" (9/11/2018), Info for Out-of-State Retailers webpage , CO DOR Grace Period and Key Facts (11/29/2018)	The CO DOR has issued Emergency Regulation Sec. 39-26-204(2) "Retailer's Use Tax" (see pages 15-16). Same threshold's as South Dakota's. Colorado has not addressed how this will impact home rule cities.
CONNECTICUT S.B. 417	Retail sales of TPP delivered into CT of \$250,000 more in year ending Sept 30, 2018	AND 200 or more separate retail sales (Both sales AND transactions thresholds must be met)	Dec 1 2018 <i>(prospective enforcement)</i>	CT Notice SN 2018(5) , pages 2 -4 (6/26/2018)	In addition to meeting <u>both</u> the thresholds, the seller must also regularly & systematically solicit sales via mail, telephone, computer, internet or other communication system. ⁷
DISTRICT OF COLUMBIA D.C. Code Ann. § 47-2001(w)	Gross receipts from retail sales of more than \$100,000	OR 200 or more separate transactions	Jan 1 2019 <i>(prospective enforcement)</i>	Dist. of Columbia Revenue Notice No. 2019-02, 01/02/2019	
GEORGIA H.B. 61 Ga. Code Ann. § 48-8-30 (c.2)(1)(A)(i)& (ii)	Retail sales of TPP of <i>more than \$250,000</i> in prior or current calendar year ⁸	OR 200 or more separate retail sales of TPP	Jan 1 2019 <i>(prospective enforcement)</i>	GA DOR Policy Bulletin SUT-2018-07 (10/1/2018)	H.B. 61 also includes a notification & reporting provision. Per Bulletin SUT-2018-07, sellers who meet thresholds but fail to comply must comply with Notification & Reporting rules. Georgia is a full-member of the SSUTA.
HAWAII S.B. 2514 Haw. Rev. Stat. § 237-2.5	Gross income from sales of TPP, intangibles or services of \$100,000 or more in prior or current calendar year	OR 200 or more separate transactions for the sale of goods, intangibles or services	July 1 2018 <i>(prospective enforcement)</i>	HI Department of Taxation Announcement 2018-10 - Amended (7/10/2018)	The original version of Announcement 2018-10 would have imposed retroactive application of the law. ⁹

⁷ Connecticut S.B. 417 is a very comprehensive bill which also includes a related party, marketplace facilitator and notification & reporting provision.

⁸ Georgia's law applies to goods delivered both physically (e.g., product shipped via common carrier into the state) or delivered electronically (e.g., software, e-books).

⁹ The amended Announcement overrides Hawaii's initial Announcement (issued 6/27/2018) which said some taxpayers might owe the Hawaii General Excise Tax for the first six months of 2018. The Hawaii tax is not an actual sales tax, it is a General Excise Tax (GET) imposed on essentially all goods and services. However, it functions like a sales tax as sellers are able to collect the GET from consumers.

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ILLINOIS HB 3342 ¹⁰ Ill. Admin. Code 150.803(b)(1)(A)&(B)	Gross receipts from sales of TPP of \$100,000 or more in prior or current calendar year	OR 200 or more separate transactions	Oct 1 2018 (<i>prospective enforcement</i>)	IL Informational Bulletin FY 2019-05 "Use Tax Guide for Remote Sellers" (8/1/2018), IL Admin Code Sec 150.803 "Wayfair Nexus"	Seller must determine at the end of each calendar quarter whether they exceeded either economic nexus thresholds in the prior 12- month period. Illinois explicitly excludes exempt sales in determining if economic thresholds are exceeded.
INDIANA HB 1129 Ind. Code § 6-2.5-2-1(c)(1)&(2)	Gross revenue from sales of TPP, electronically delivered goods, ¹¹ or services of <i>more than</i> \$100,000 in prior or current calendar year	OR 200 or more separate transactions	Oct 1 2018 (<i>prospective enforcement</i>) ¹²	IN DOR webpage on <i>SD v. Wayfair</i> for FAQs and updates, IN Tax Revenue Bulletin (7/27/2018)	Indiana's law uses the same economic thresholds as South Dakota's law. See the Indiana DOR webpage on <i>South Dakota v. Wayfair</i> for FAQs and updates. Indiana is a full-member of the SSUTA
IOWA S.F. 2417 ¹³ Iowa Code § 423.14A(3)(a)&(b)	Gross revenues from sales of goods or services of \$100,000 or more in prior or current calendar year	OR 200 or more separate transactions	Jan 1 2019 (<i>prospective enforcement</i>)	See IA DOR Bulletin for more information	Iowa's law uses similar thresholds to South Dakota's law. S.F. 2417 also includes a Notification & Reporting provision. Iowa's law also includes "cookie nexus," use of in-state software and use of in-state CDN provisions (IA Code Sec 423.14A(3)). Iowa is a full-member of the SSUTA.
KENTUCKY H.B. 487 Ky. Rev. Stat. Ann. § 139.340(2)(g)(1)&(2)	Sales of TPP or digital property ¹⁴ of <i>more than</i> \$100,000 in prior or current calendar year	OR 200 or more separate transactions	Oct 1 2018 (<i>prospective enforcement</i>)	KY Notice re <i>Wayfair</i> decision and Oct 1st effective date (updated 7/30/2018), KY Remote Seller FAQ .	Kentucky's law uses the same economic thresholds as South Dakota's law. Kentucky is a full-member of the SSUTA.

¹⁰ The economic threshold provisions are at page 473 of the Illinois bill.

¹¹ Indiana's law applies to goods delivered both physically (e.g., product shipped via common carrier into the state) or electronically (e.g., software, e-books)

¹² Although the original effective date of Indiana's law was July 1, 2017, on July 27, 2018, the Indiana DOR issued an Indiana Revenue Tax Bulletin noting that the IN DOR will start to enforce its economic nexus law prospectively on October 1, 2018.

¹³ Iowa S.F. 2417 is a comprehensive bill which also includes a marketplace facilitator, content distribution network (CDN) and "cookie" nexus provision. The economic thresholds provisions are at page 93 of the Iowa bill.

¹⁴ Includes digital property delivered or transferred electronically.

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LOUISIANA H.B. 17 La. Rev. Stat. Ann. § 47:301(4)(m)	Sales of TPP, digital products or services of <i>more than \$100,000</i> in prior or current calendar year	OR 200 or more separate transactions	Jan 1 2019	LA DOR Remote Seller's Information Bulletin No. 18-001 (8/10/2018)	Louisiana's law uses the same economic thresholds as South Dakota's law. The Louisiana law also established the Louisiana Sales and Use Tax Commission for Remote Sellers.
MAINE L.D. 1405 Me. Rev. Stat. Ann. § 1951-B(3)(A)&(B)	Gross revenue from sales of TPP, digital products, ¹⁵ or services of <i>more than \$100,000</i> in prior or current calendar	OR 200 or more separate transactions	July 1, 2018 ¹⁶ (<i>prospective enforcement</i>)	ME Revenue Services Wayfair webpage , Remote Sellers webpage and Tax Alert (Aug 2018)	Maines' law uses the same economic thresholds as South Dakota's law.
MARYLAND Md. Regs. Code 03.06.01.33(B)(5)	Gross revenue from sales of TPP or taxable services of <i>more than \$100,000</i> in prior or current calendar year.	OR 200 or more separate transactions	Oct 1 2018 (<i>prospective enforcement</i>)	MD Sales & Use Tax Alert regarding Wayfair (July 2018), MD Sales & Use Tax Alert - Implications for Sales Tax Nexus (Sept 2018)	Maryland's emergency regulation uses the same economic thresholds as South Dakota's law.
MASSACHUSETTS Reg. 830 CMR 64H.1.7	Sales into MA of \$500,000 or more in prior or current taxable year	OR 100 or more separate transactions (Both sales AND transactions thresholds must be met)	Oct 1 2017 (<i>retroactive enforcement</i>)	MA DOR press release on <i>Wayfair</i> Decision (6/22/2018), MA Technical Information Release 18-8 (Sept 17, 2018)	In a press release issued on June 22, 2018, the Massachusetts DOR indicated that its economic nexus regulation continues to apply and is not impacted by the <i>Wayfair</i> decision. Also see TIR 18-8 , Tax Jurisdiction Over Internet Vendors Prior to and Subsequent to <i>Wayfair</i> and Sept 28, 2018 Massachusetts blog post on this development. ¹⁷

¹⁵ Maine's law applies to goods delivered both physically (e.g., product shipped via common carrier into the state) or electronically/digitally (e.g., software, e-books) and taxable services.

¹⁶ Although the original effective date of Maine's law was Oct 1, 2017, Maine Revenue Services has stated on a newly posted [webpage](#), that its law will be "enforced for sales occurring on or after July 1, 2018, the first monthly filing period after the date of the *Wayfair* decision."

¹⁷ Also see our article at SalesTaxSupport.com, "[Massachusetts Expands Sales Tax Nexus Policy for Internet Vendors](#)" for a more in-depth discussion of Massachusetts' economic nexus policy. Also, in early 2018, Amazon turned over specific, identifying information to the Massachusetts DOR in response to a valid and binding legal demand from the Massachusetts DOR. See our article at SalesTaxSupport.com: "[Amazon Exposes FBA Sellers in Massachusetts: 5 Key Considerations](#)" for more on this development. Also see our 9/28/2018 article "[Massachusetts' Economic Nexus Reg to be Enforced Retroactively](#)" on TIR 18-8.

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MICHIGAN MI RAB 2018-6	Taxable or non-taxable sales into MI of <i>more than \$100,000</i> in prior or current calendar year	OR 200 or more separate transactions	Oct 1 2018 (prospective enforcement)	MI Notice to Remote Sellers Re: Sales Tax & <i>Wayfair</i> (revised Aug 9, 2018), MI Revenue Administrative Bulletin (RAB) 2018-6 (8/1/2018), Remote Sales Tax Collection in MI Due to SD v. Wayfair	Michigan uses the same thresholds as South Dakota. Economic nexus adopted by administrative bulletin, <i>not</i> through enacted legislation. Michigan is a full-member of the SSUTA.
MINNESOTA H.F. 1 Minn. Stat. § 297A.66, Subd. 3(d)	Retail sales of <i>more than \$100,000 in 10 or more transactions</i> in any 12 consecutive month period ¹⁸	OR 100 or more separate retail transactions	Oct 1 2018 (prospective enforcement)	See MN DOR Press Release (7/25/2018), Remote Seller Webpage (last updated 7/25/2018), Remote Seller FAQ (Last updated 7/16/2018)	Minnesota's threshold includes both an "AND" and an "OR" threshold. On Sept 7, 2018, the Minnesota DOR issued an update that will require all sellers to collect in all MN local jurisdictions based on the customer's location. Minnesota is a full-member of the SSUTA.
MISSISSIPPI Rule 35.4.03.09 Miss. Administrative Code 35.IV.3.09 (100)	Sales into MS of <i>more than \$250,000</i> in prior or current calendar year	No transactions threshold – However, other criteria must be met (see Additional Comments)	Sept 1 2018 (prospective enforcement) ¹⁹	See MS Sales and Use Tax Guidance for Online Sellers (updated 8/6/2018)	Sales for determining whether economic nexus threshold is met include retail, wholesale and exempt sales. In addition to meeting both the sales threshold, a remote seller must also "purposefully or systematically" exploit the Mississippi market.
NEBRASKA No Regulation or Legislation – per Department Policy	NE sales of <i>more than \$250,000</i>	OR 200 or more separate transactions (other criteria must also be met)	Jan 1 2019 (prospective enforcement)	NE DOR Wayfair press release (7/7/2018), <i>Wayfair</i> Information webpage , and FAQs	Although physical presence no longer required, a remote seller must also be engaged in business in Nebraska as defined under Neb. Rev. Stat. § 77-2701.13 . Nebraska is a full-member of the SSUTA.

¹⁸ Minnesota's "small seller exception" is unique in that it includes both an "AND" and an "OR" transactions requirement. If the sales threshold of more than \$100,000 in retail sales is met, those sales must have been completed in 10 or retail transactions (this is the "AND" requirement). Thus, as an example, a remote seller who makes 5 Minnesota retail sales in a consecutive 12-month period which total more than \$100K would not be subject to the economic nexus. Separate from the sales threshold, a remote seller who makes 100 or more retail sales into Minnesota would also economic nexus regardless of whether they met the sales threshold (this is the "OR" requirement).

¹⁹ Even though Mississippi's economic nexus rule had an original effective date of Dec 1, 2017, on August 6, 2018, the Mississippi DOR updated administrative notice 35.4.03.09, "[Sales and Use Tax Guidance for Online Sellers](#)." In this notice, the DOR indicated it was not actively enforcing its rule prior to the Supreme Court's *Wayfair* decision and that DOR will allow online sellers to begin collection of Mississippi use tax for sales made on or after September 1, 2018 when such sellers register to collect Mississippi tax by August 31, 2018.

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NEVADA Proposed Regulation LCB File No R189-18	Gross revenue from retail sales of TPP of more than \$100,000 in prior or current calendar year	OR 200 or more separate transactions	Pending - <i>however, Nevada has announced enforcement will be prospective</i>	NV Dept of Taxation Remote Sellers-Wayfair Decision webpage , NV Notice of Regulation Hearing	Hearing on final adoption of the regulation occurred on September 13, 2018. Nevada is a full-member of the SSUTA.
NEW JERSEY Department of Treasury Sales & Use Tax Notice	Gross Revenue from sales of TPP, specified digital products, or services of more than \$100,000 in prior or current calendar year	OR 200 or more separate transactions	Nov 1 2018 (<i>prospective enforcement</i>)	NJ Sales and Use Tax Information for Remote Sellers Notice (8/14/2018), NJ Update on change in effective date to Nov 1 2018 (9/25/2018)	New Jersey is a full-member of the SSUTA.
NEW YORK N.Y. Tax Law § 1101(b)(8)(iv)	Gross receipts from sales of TPP of \$300,000 or more in preceding 4 sales quarters	AND 300 or more separate transaction	Jan 1 2019	New York Special Tax Department Notice No. N-19-1, 01/01/2019 (1/1/2019)	New York's measurement period is in the preceding 4 sales quarters. Important to note that NY does not follow the typical calendar quarters. NY's quarters end on February 28 th , May 31 st , August 31 st and November 30 th .
NORTH CAROLINA N.C. Directive # SD-18-6	Gross sales of \$100,000 or more sourced to North Carolina in prior or current calendar year	OR 200 or more separate transactions	Nov 1 2018 (<i>prospective enforcement</i>)	NC DOR webpage announcing new directive (8/8/2018), NC Directive SD-18-6 (8/7/2018).	North Carolina's directive uses same thresholds as South Dakota's law. Economic nexus adopted by DOR policy statement, <i>not</i> through enacted legislation.
NORTH DAKOTA SB 2298 N.D. Cent. Code § 57-39.2-02.2	Sales of TPP or other taxable items of \$100,000 or more in prior or current calendar year	OR 200 or more separate transactions	Oct 1 2018 (<i>prospective enforcement</i>)	ND DOR webpage on Remote Seller Sales Tax, ND DOR press release announcing Oct 1 2018 enforcement date (7/11/2018)	North Dakotas' law uses the same thresholds as South Dakota's law. Also see North Dakota Tax Commissioner statement on Wayfair decision. North Dakota is a full-member of the SSUTA.
OHIO H.B. 49²⁰	Gross receipts exceed of more than \$500,000 in the prior or current calendar year	None other criteria must be met (see Additional Comment)	Jan 1 2018		In addition to meeting the gross receipts threshold, a remote seller must use in-state software (including "cookies") or a CDN ²¹ in Ohio to be subject to the economic nexus law. Ohio is a full-member of the SSUTA.

²⁰ Ohio H.B. 49 is a very comprehensive bill. The economic nexus provisions can be found at pages 2,305 – 2,307.

²¹ A CDN is a "content delivery network" such as a system of distributed services that delivers web sites and other web content to Ohio users.

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OKLAHOMA H.B. 1019	Sales of TPP of \$10,000 or more during the prior 12- month period (applies if seller opts not to comply with Notification & Reporting law – see Comment)	None See Additional Comment	Apr 10 2018	OK Tax Commission Remote Seller press release (8/31/2018), FAQs and Wayfair document .	A remote seller that meets the \$10,000 threshold must either register to collect or comply with Oklahoma’s notification & reporting provision. ²³
PENNSYLVANIA H.B. 542	Sales of TPP of \$10,000 or more during the prior 12- month period (applies if seller opts not to comply with Notification & Reporting law – see Comment)	None See Additional Comment	Apr 1 2018	PA Remote Sellers webpage	Remote sellers ²⁴ with aggregate sales of \$10,000 or more in the prior 12-month period must elect to collect and remit Pennsylvania sales tax or comply with the notice and reporting requirements.
RHODE ISLAND HB 5175 R.I. Gen. Laws § 44-18.2-3(A)	Gross revenue from the sale of TPP, software ²⁵ or has taxable services of \$100,000 or more (applies if seller opts not to comply with Notification & Reporting law – see Comment)	OR 200 or more separate transactions	Aug 17 2017 (retroactive enforcement)	RI DOR Wayfair Statement (6/27/2018), Post- Wayfair Remote Seller FAQs (updated 7/20/2018), Tax Professional Advisory Bulletin 2018-24 re: Registration Options (6/27/2018), Tax Professional Advisory Bulletin 2018-29 re: Non-Collection Retailers, Remote Sellers (7/23/2018)	Non-collecting retailers must either register and collect and remit sales and use tax on all Rhode Island taxable sales or comply with notification & reporting provisions. ²⁶ Rhode Island is a full-member of the SSUTA.

²² In several states, economic nexus legislation was enacted with an effective date that was prior to the *Wayfair* decision. Due to litigation that arose challenging these pre-*Wayfair* economic nexus laws, states were not able to enforce their economic nexus laws on the legislation’s effective date. After *Wayfair*, these states announced the date on which they would start enforcing their economic nexus rule (which was later than the law’s effective date in several states).

²³ Several states have enacted laws which give the out-of-state seller (that exceeds the sales threshold) a choice of either registering to collect, report and remit sales tax OR comply with the state’s notification & reporting provision. Even though the notification & reporting provisions do not require an on-out-state seller to register, report and remit sales tax, the notification & reporting laws impose added burdens on the out-of-state seller making it almost easier for the seller to register, collect and remit.

²⁴ Pennsylvania’s law also applies to marketplace facilitators and “referrers.” Effective April 1, 2018, Amazon began collecting, remitting and reporting Pennsylvania sales tax on behalf of its third-party sellers in order for Amazon to be in compliance with Pennsylvania’s new marketplace facilitator law.

²⁵ Applies to pre-written software delivered via electronically or by load and leave.

²⁶ Rhode Island’s law is a very comprehensive bill which include economic, affiliate, click-through, warehouse, and marketplace provider nexus provisions.

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SOUTH CAROLINA SC Revenue Ruling 18-14 , (09/18/2018)	Gross revenue from sales of TPP, electronically delivered goods, or services of <i>more than</i> \$100,000 in prior or current calendar year.	None - but see comment (comprehensive definition of gross revenues)	Nov 1 2018 <i>(prospective enforcement)</i>	SC Rev Ruling 18-14 , (09/18/2018), SC DOR Remote Sellers Webpage	SC Rev Ruling 18-14 indicates that gross revenues for determining whether economic nexus threshold is met includes taxable retail sales, wholesale sales, exempt sales, all sales of electronically delivered goods or services even if such goods or services are not subject to the SD sales or use tax and revenues from all channels on which the remote seller makes sales to SC consumers (e.g., own website, marketplace, etc.).
SOUTH DAKOTA S.B. 106 SD CL 10-64	Sales of TPP ²⁸ or services of <i>more than</i> \$100,000 in prior or current calendar	OR 200 or more separate transactions	Nov 1 2018 <i>(prospective enforcement)</i> ²⁹	SD Governor Dugaard's press release on <i>Wayfair</i> decision (6/21/2018), SD DOR webpage for remote sellers , SD DOR Remote Seller Bulletin (Sept 2018), Press Release re Remote Sellers and Marketplace Providers (9/12/2018)	The first state in the country to enact economic nexus for sales tax, the law in question in <i>South Dakota v. Wayfair</i> . Also see the South Dakota press release and the South Dakota webpage for remote sellers . However, on Sept 12 2018, the SD legislature passed two bills impacting remote sellers and marketplace providers (SD CL 10-64 and SD CL 10-65 . South Dakota is a full-member of the SSUTA.

²⁷ In several states, economic nexus legislation was enacted with an effective date that was prior to the *Wayfair* decision. Due to litigation that arose challenging these pre-*Wayfair* economic nexus laws, states were not able to enforce their economic nexus laws on the legislation's effective date. After *Wayfair*, these states announced the date on which they would start enforcing their economic nexus rule (which was later than the law's effective date in several states).

²⁸ Maine's law applies to goods delivered both physically (e.g., product shipped via common carrier into the state) or delivered electronically/digitally (e.g., software, e-books) and taxable services

²⁹ South Dakota's law had an original effective date of May 1, 2016; however, the South Dakota DOR has been precluded from enforcing its law due to the *Wayfair* litigation. Even though the U.S. Supreme Court ruled in favor of South Dakota, the injunction (against enforcement) that was placed on the law by a South Dakota Circuit Court is still in place which means the South Dakota law cannot be enforced until the injunction is lifted. On August 7th, Gov Dugaard issued a [press release](#) announcing a Special Legislative Session which will be held on Sept 12, 2018 to address an implementation date. On August 9th, the South Dakota Supreme Court remanded *Wayfair* back to the Circuit Court for further proceedings and/or to dissolve the injunction. On August 27th, the South Dakota legislature introduced two new bills to be addressed during the Sept 12th Special Session. [SB 1](#), would remove the injunction for all sellers (except for Wayfair, Overstock and NewEgg - the three defendants in *South Dakota v. Wayfair*), sets an enforcement date of Nov 1, 2018. [SB 2](#) would add a NEW Marketplace Facilitator provision which would impose registration, collection and remittance obligations on certain marketplace facilitators (e.g., Amazon), which would be effective March 1, 2019. On Sept 12, 2018, the South Dakota legislature passed two bills impacting remote sellers and marketplace providers ([SD CL 10-64](#) and [SD CL 10-65](#)), establishing a Nov 1, 2018 enforcement date for the remote seller provisions and a March 1, 2019 enforcement date for marketplace facilitator provisions..

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TENNESSEE Rule 1320-06-01-.129 (Rule 129)	Sales of TPP or services of more than \$500,000 during any calendar year	None - Sales threshold plus other criteria must be met (see Additional Comments)	Pending ³¹	TN DOR Sales and Use Tax Notice No. 18-11 (8/1/2018)	Seller must also engage in regular or systematic solicitation of TN consumers through any means in addition to having more than \$500K in sales.
TEXAS Tex. Admin. Code 3.286(b)(2)(A)&(B)	Gross revenue from sales of TPP of \$500,000 or more in preceding 12 calendar months.	None – but see Comment re first measurement period	Oct 1 2019 (prospective enforcement)	Tex. Admin. Code 3.286(b)(2)(A)&(B)	Remote sellers who meet the gross revenue threshold during the 12-month period that runs from July 1, 2018 – June 20, 2019 are required to register and beginning collecting tax as of October 1, 2019.
UTAH S.B. 2001 Utah Code Ann. § 59-12-107(2)(c)	Sales of TPP, electronically transferred products or services of more than \$100,000 in prior or current calendar year.	OR 200 or more separate transactions	Jan 1 2019 (prospective enforcement)	UT State Tax Commission Current News webpage	Utah’s law uses the same economic thresholds as South Dakota’s law. Utah is a full-member of the SSUTA.
VERMONT H.B. 873 ³² Vt. Stat. Ann. § 9701(9)(F)	Sales of \$100,000 or more in prior 12-month period	OR 200 or more separate transactions	July 1 2018 ³³ (prospective enforcement)	VT Dept of Taxes <i>Wayfair</i> webpage .	Seller must also engage in regular, systematic, or seasonal solicitation of sales of TPP (including via internet, etc.) in addition to meeting one of the economic thresholds. Vermont is a full-member of the SSUTA.

³⁰ In several states, economic nexus legislation was enacted with an effective date that was prior to the *Wayfair* decision. Due to litigation that arose challenging these pre-*Wayfair* economic nexus laws, states were not able to enforce their economic nexus laws on the legislation’s effective date. After *Wayfair*, there states announced the date on which they would start enforcing their economic nexus rule (which was later than the law’s effective date in several states).

³¹ Tennessee’s law was originally effective on July 1, 2017; however, the Tennessee DOR cannot enforce its law due to litigation and until the *Wayfair* decision was decided.

³² Vermont H.B. 873 also includes a notification & reporting provision.

³³ Vermont’s law was originally enacted in 2016 and had a contingent effective date which would be the later of July 1, 2017 or the date the physical presence requirement in *Quill* was abolished. The Vermont Department of Taxes has announced in its *Wayfair* [webpage](#) that its economic nexus provisions became effective July 1, 2018 and out-of-state vendors who meet either economic nexus threshold should register for a Vermont sales tax license.

States with Economic Nexus Laws as of January 1, 2019

STATE AND ENACTING LEGISLATION, REGULATION OR POLICY	SALES THRESHOLD	TRANSACTIONS THRESHOLD	ENFORCEMENT DATE ³⁴	LINKS TO STATE PRESS RELEASES, FAQs, UPDATES AND DATE ISSUED	OTHER CRITERIA, ADDITIONAL COMMENTS
WASHINGTON H.B. 2163	Threshold One: Retail sales of TPP of \$100,000 or more during the prior 12- month period [FN25] Threshold Two: Retail sales of TPP of \$10,000 or more during the prior 12- month period	Threshold One: 200 or more separate transaction [FN25] Threshold Two: No transaction threshold under Threshold Two	Oct 1 2018 (Threshold One) Jan 1 2018 (Threshold Two)	WA DOR Marketplace Fairness webpage	In August 2018, the Washington DOR updated its Marketplace Fairness webpage and added a NEW set of economic nexus thresholds that become effective on Oct 1, 2018. Therefore, there are now two separate sets of economic nexus thresholds that apply in Washington. See [FN25] for a detailed explanation. Washington is a full-member of the SSUTA Remote sellers ³⁵ with aggregate retail sales of \$10,000 or more in the prior 12-month period must either collect and remit Washington sales tax or comply with notice and reporting requirements. See more Washington's Marketplace Fairness webpage .
WEST VIRGINIA WV Admin Notice No. 2018-18	Sales of good or services delivered into WV of more than \$100,000 during the 2018 calendar year	OR 200 or more separate transactions	Jan 1 2019	WV Admin Notice No. 2018-18 (10/01/2018)	WV Administrative Notice No. 2018-18 does not clarify whether "sales" includes all sales or only retail/taxable sales. It is anticipated WV will issue more guidance as the enforcement date approaches. West Virginia is a full-member of the SSUTA.

³⁴ In several states, economic nexus legislation was enacted with an effective date that was prior to the *Wayfair* decision. Due to litigation that arose challenging these pre-Wayfair economic nexus laws, states were not able to enforce their economic nexus laws on the legislation's effective date. After Wayfair, these states announced the date on which they would start enforcing their economic nexus rule (which was later than the law's effective date in several states).

³⁵ In August 2018, the Washington DOR updated its Marketplace Fairness [webpage](#) and added a NEW set of economic thresholds that become effective on Oct 1, 2018. Under these NEW guidelines (which Washington refers to as "Threshold One"), a remote seller making *either* \$100,000 or more in sales to or 200 transactions with Washington purchasers must register their business and collect/submit retail sales/use tax on those sales. Threshold One only applies to remote sellers and includes remote sellers whose Washington sales are made through a marketplace facilitator. Under "Threshold Two", which are the original economic nexus guidelines enacted as part of H.B. 2163 and which went into effect on Jan 1, 2018, remote sellers and marketplace facilitators with aggregate retail sales of \$10,000 or more in the prior 12-month period must either collect and remit WA sales tax or comply with notice and reporting requirements.

States with Economic Nexus Laws as of January 1, 2019

STATE AND ENACTING LEGISLATION, REGULATION OR POLICY	SALES THRESHOLD	TRANSACTIONS THRESHOLD	ENFORCEMENT DATE ³⁶	LINKS TO STATE PRESS RELEASES, FAQs, UPDATES AND DATE ISSUED	OTHER CRITERIA, ADDITIONAL COMMENTS
<p>WISCONSIN Regulation adopted, initially announced via Wisconsin DOR Notice Wis. Admin. Code Tax 11.97(4)(a)(1)&(2)</p>	<p>Sales of <i>more than</i> \$100,000 in prior or current calendar</p>	<p>OR 200 or more separate transactions</p>	<p>Oct 1 2018 (prospective enforcement)</p>	<p>WI DOR press release (7/5/2018), webpage on Remote Sellers and <i>Wayfair</i>, and FAQ (7/5/2018).</p>	<p>On July 5, 2018, Wisconsin announced it will issue a rule (regulation) that will be consistent with the U.S. Supreme Court's decision in <i>South Dakota v. Wayfair</i>. See this Wisconsin DOR press release, the webpage on Remote Sellers and <i>Wayfair</i>, and this FAQ for more information. Wisconsin is a full-member of the SSUTA</p>
<p>WYOMING H.B. 119 Wyo. Stat. § 39-15-501(a)(i)&(ii)</p>	<p>Gross revenue from sales of TPP, admissions or services of <i>more than</i> \$100,000 in prior or current year.</p>	<p>OR 200 or more separate transactions</p>	<p>Pending³⁷</p>	<p>WY DOR <i>Wayfair</i> statement (downloads from this webpage), WY DOR Remote Seller Bulletin (8/7/2018).</p>	<p>Wyoming's law uses the same economic thresholds as South Dakota's law. Also see Wyoming's statement on the <i>Wayfair</i> at this webpage. Wyoming is a full-member of the SSUTA.</p>

³⁶ In several states, economic nexus legislation was enacted with an effective date that was prior to the *Wayfair* decision. Due to litigation that arose challenging these pre-*Wayfair* economic nexus laws, states were not able to enforce their economic nexus laws on the legislation's effective date. After *Wayfair*, there states announced the date on which they would start enforcing their economic nexus rule (which was later than the law's effective date in several states).

³⁷ Wyoming's law had an original effective date of July 1, 2017 however, due to pending litigation, the Wyoming law cannot yet be enforced.

ABOUT OUR ECONOMIC NEXUS CHART

This chart was prepared by [PrietoDion Consulting Partners LLC](#) as an informative guide for PrietoDion Consulting clients and colleagues. In compiling this chart, we have personally read and reviewed every piece of state legislation to provide the most accurate information possible regarding the specific economic nexus provisions. We also reviewed all state revenue agency websites (Department of Revenue, Department of Taxation, etc.) for announcements, updates, FAQs and other relevant guidance published by the states. Throughout the chart, you will note that state legislative bills, press releases, FAQs, etc. are hyperlinked (in blue, underlined font). Clicking on the associated hyperlinked text will take you directly to the source document.

USE OF THIS CHART

While we worked hard to produce this chart for our clients and colleagues, we recognize our chart may be distributed to other interested parties. If you wish to share this economic nexus chart, we ask that you attribute the source of this chart to [PrietoDion Consulting Partners LLC](#), a SALT advisory firm or to [Sylvia Dion, CPA](#), Founder & Managing Partner of [PrietoDion Consulting Partners LLC](#), a SALT Advisory firm. Note also that states are reacting rapidly and almost daily as to how they will address the impact of the *Wayfair* decision on their laws, how or when they will begin enforcing their laws, etc. For instance, on 6/27/2018 the Hawaii Department of Taxation announced it would apply its law retroactively and that some taxpayers might owe the Hawaii GET for the first six months of 2018. However, on 7/10/2018, the Department issued an amended announcement noting it would not impose retroactive application after all (see Chart, pg. 2). Therefore, we'll be posting updates to this chart as states issue new guidance or as additional states adopt economic nexus.

DISCLAIMER

Please note also that this chart is not intended to be legal or tax advice. Impacted businesses should seek the guidance of a qualified legal, accounting and/or tax professional to determine the impact of these laws on their requirement to register, collect, report and remit sales tax in any of the economic nexus states. *We would be happy to schedule a consultation to discuss how these laws may impact your business (see our contact information below).*

ABOUT PRIETODION CONSULTING PARTNERS LLC

[PrietoDion Consulting Partners LLC](#) is Tax Consulting firm specializing in advising U.S. and International businesses with complying with their State & Local Tax (SALT) obligations. With extensive knowledge in e-Commerce taxation, PrietoDion is a top choice for U.S. and International online sellers who wish to understand how the U.S. sales tax laws impact their online business. In addition to serving e-Commerce clients, PrietoDion also specializes in the software, technology and manufacturing industries. Based in Westford, Massachusetts, PrietoDion has broad experience guiding U.S. and international businesses with understanding their state tax nexus, registration and filing requirements in all areas of multistate taxation including sales & use, corporate income, franchise, gross receipts and payroll tax. PrietoDion's services include nexus evaluations, state registration assistance, sales tax compliance (filing) services, Voluntary Disclosure representation, state audit assistance, state tax research and analysis, consultations for international sellers on legal entity structure and treaty implications.

If you'd like to know more about PrietoDion Consulting Partners and our capabilities, please contact Sylvia Dion at 978-846-1641 or sylviadion@prietodiontax.com