

CHAPTER 56. MULTISTATE SALES

Sec.
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(a) *Scope.* A vendor maintaining a place of business within this Commonwealth is required to comply with the provisions of the TRC (72 P. S. §§ 7101—10004). This includes the requirements to pay or to collect and remit tax imposed by the TRC.

(b) *Maintaining a place of business within this Commonwealth.* A vendor who is engaged in one or more of the following activities, within this Commonwealth, is maintaining a place of business within this Commonwealth:

(1) Having or maintaining either directly or through a subsidiary, an office, distribution house, sales house, warehouse, service enterprise or other place of business irrespective of whether the place of business is located permanently or temporarily or authorized to do business within this Commonwealth.

(2) Having or maintaining an agent of general or restrictive authority irrespective of whether the agent is located permanently or temporarily or authorized to do business within this Commonwealth.

(3) Maintaining a stock of goods.

(4) Regularly soliciting orders through a solicitor, salesman, agent or representative, whether or not the orders are accepted in this Commonwealth, or performing promotional activities in this Commonwealth.

Example. “A” Company is a New Jersey corporation, with “R” representative in Pennsylvania. “R” takes orders from Pennsylvania customers and forwards the money to the New Jersey office for approval. “R” has no authority to approve orders. “A” mails all purchases directly to its customers. The customers are billed from the New Jersey office. “A” is “maintaining a place of business within Pennsylvania.”

(5) Regularly engaging in the delivery of property in this Commonwealth, other than by common carrier or United States mail, and soliciting business within this Commonwealth, whether by means of United States mail, radio, television, newspaper or otherwise.

Example. “B” Company, a New York corporation, advertises on Pennsylvania radio stations and has regularly scheduled deliveries into Pennsylvania. “B” is “maintaining a place of business within Pennsylvania.”

(6) Regularly engaging in an activity in connection with the leasing or servicing of property which is located within this Commonwealth.

Example. “C” Company, a Delaware corporation, employs “E” to make service calls. “P,” a Pennsylvania resident, is a customer of “C” company.

“P” calls “C” and requests that a serviceman be sent to his house. “E” is dispatched to the residence of “P.” “C” is “maintaining a place of business within Pennsylvania.”

Authority

The provisions of this § 56.1 issued under the Tax Reform Code of 1971 (72 P. S. § 7270).

Source

The provisions of this § 56.1 amended through March 14, 1986, effective March 15, 1986, 16 Pa.B. 815. Immediately preceding text appears at serial pages (72875) to (72876).

Cross References

This section cited in 61 Pa. Code § 60.10 (relating to adjustment and collection services).

[Next page is 57-1.]