CERTIFICATE OF COMPLIANCE -- STATE OF ARKANSAS

Revised July 2009*

SECTION	TOPIC DOCUMENT COMMENTS/ REFERENCE TO CRIC INTERPRETATIONS	DESCRIPTION	Is this requirement met by law, regulation or administrative practice (Yes or No). Enter N/A when not applicable.	If so, provide the citation for legal authority (statute, case, regulation, etc.)	For SST conforming changes, provide effective dates.	Notes (e.g., administrative practices, noncompliance explanations, etc.)
Section 301	**State level administration**					
		Does the state provide state level administration of state and local sales and use taxes?	Yes	A.C.A. 26-52-105, 26-53-103, 26-74-212, 26-74-312, 26-75-214		
		Are sellers only required to register with, file returns and remit funds to a state-level authority?	Yes	A.C.A. 26-52-202 (Permit), 26-52-501 (Return), 26-53-121 (Out-of-state reg), 26-53-125 (Return), 26-81-110		
		Does the state provide for the collection of any local taxes and distribute them to the appropriate taxing jurisdictions?	Yes	A.C.A. 26-73-105(a), 26-18-308 (Disposition of Revenues), 26-74-312, 26-74-317 (Admin of Locals), 26-75-214 (Admin), 26-81-107		
		Are audits conducted only by the state or by others authorized by the state to conduct an audit that includes both state and local taxes?	Yes	A.C.A. 26-18-101 et seq.		
		Are local jurisdictions prohibited from conducting independent sales or use tax audits of sellers registered under the Agreement?	Yes	A.C.A. 26-18-101 et seq., 26-74-101 et seq., 26-75-101 et seq.		Local jurisdictions do not perform audits. All functions incidental to the adiministration, collection, enforcement, and operation of local sales and use taxes are performed at the state level.
Section 302	**State and local tax base**					
		Is the tax base for local jurisdictions identical to the state tax base, excluding federal prohibitions, motor vehicles, aircraft, watercraft, modular homes, manufactured homes and mobile homes?	Yes	A.C.A. 26-52-303, 26-73-113, 26-73-301, 26-74-209(d), 26-74-309, 26-74-312, 26-75-212, 26-75-312, 26-74-101et seq., 26-75-101 et seq.		

Section 303	**Seller registration**					
		Is the state capable of pulling registration information from the central registration system?	Yes	A.C.A. 26-21-104		
		Does the state exempt a seller without a legal obligation to register from paying registration fees?	Yes	A.C.A. 26-53-121		
		Does the state allow a seller to register on the central registration system without a signature?	Yes	A.C.A. 26-21-104, UT-6		
		Does the state allow an agent to register a seller on the central registration system?	Yes	A.C.A. 26-21-104, UT-6		
Section 304	**Notice for state tax changes**					
	Failure to meet these does not take a state out of compliance.	A1. Does the state provide sellers with as much advance notice as practicable of a rate change?	Yes	A.C.A. 26-20-106(f)		
		A2. Does the state limit the effective date of a rate change to the first day of a calendar quarter?	No			No current provisions in Arkansas Constitution or Arkansas law limit the Legislature on effective dates for changes in tax code provisions
		A3. Does the state notify sellers of legislative changes in the tax base and amendments to sales and use tax rules and regulations?	Yes	A.C.A. 26-20-106		
		B. Does the state limit the relief of the sellers obligation to collect sales or use taxes for that member state if the seller failed to receive notice or the state failed to provide notice or limit the effective date of a rate change.	Yes	A.C.A. 26-20-109		
Section 305	**Local rate and boundary change**					
		Does the state have local jurisdictions that levy a sales or use tax? If yes, answer the following questions.	Yes			
		A. Does the state limit the effective date of local rate changes to the first day of a calendar quarter after a minimum of 60 days notice?	Yes	A.C.A. 14-164-329, 26-74-209, 26-74-211, 26-74-309 (d), 26-74-311, 26-74-404 (d), 26-74-406, 26-74-605, 26-75-209(1)(D), 26-75-309, 26-75-404, 26-75-503, 26-81-106		
		B. Does the state limit the effective date of local rate changes from catalog sales wherein the purchaser computed the tax based on local tax rates published in the catalog only on the first day of a calendar quarter after a minimum of 120 days notice?	Yes	A.C.A. 26-74-211, 26-74-311, 26-74-406(C), 26-75-209(1)(E), 26-75-309, 26-75-404, 26-75-503		

		C. Does the state limit local boundary changes for the purposes of sales and use taxes to the first day of calendar quarter after a minimum of 60 days notice?	Yes	A.C.A. 26-74-406(d), 26-75-211(b)(2),26-75-311(b)(2), 26-75-404		
		D. Does the state provide and maintain a database with boundary changes?	Yes			
		E. Does the state provide and maintain a database identifying all jurisdictional rate information using the FIPS codes?	Yes			
		F1. Does the state provide and maintain a database that assigns each five digit and nine digit zip code within the member state to the proper tax rate and jurisdiction?	Yes			
		F2. Does the state apply the lowest combined tax rate imposed in a zip code if the area in that zip code includes more than one tax rate?	Yes			
		G. Does the state provide address-based boundary database records for assigning taxing jurisdictions and their associated rates? If yes, answer the following questions.	No	A.C.A. 26-21-105		Arkansas converts addresses to applicable zip codes.
		1. Are the records in the same format as database records in F?	NA			
		2. Do the records meet the requirements of the Federal Mobile Telecommunications Sourcing Act?	NA			
		H. If the state has met the requirements of subsection (F) and elected to certify vendor provided address-based databases for assigning tax rates and jurisdiction:	NA			Arkansas has not elected to certify vendor provided address-based databases.
		1. Are those databases in the same format as the database records approved pursuant to (G) of this section?	NA			
		2. Do those databases meet the requirements of the Federal Mobil Telecommunications Sourcing Act (4 U.S.C.A. Sec. 119 (a))?	NA			
Section 306	**Relief from certain liability**					
		Does the state relieve sellers and CSPs from liability to the state and its local jurisdictions for collecting the incorrect amount of tax because of reliance on state provided data on rates, boundaries, and jurisdiction assignments?	Yes	A.C.A. 26-21-106, GR-79		
Section 307	**Database requirements and exceptions**					
		A. Does the state provide a database per Section 305, in downloadable format?	Yes			
		If the state designates a vendor to provide the Section 305 database does the vendor's database meet the requirements of Sections 305, 306 and 307 and is provided at no cost to the user of the database?	NA			

Section 308	**State and local tax rates**					
		A1. Does the state have more than one state sales and use tax rate on items of personal property or services?	No			
		A2. Does the state have a single additional tax rate on food and food ingredients and drugs as defined by state law pursuant to the Agreement?	Yes	A.C.A. 26-52-317		
		B1. If the state has local jurisdictions with a sales or use tax, does any local jurisdiction have more than one sales tax rate or one use tax rate?	No	A.C.A. 14-164-333(d), 26-74-312, 26-74-320, 26-75-212, 26-75-406, 26-75-222		
		B2. If the state has local jurisdictions with a sales and use tax are the local sales and use tax rates identical?	Yes	A.C.A. 26-74-223, 26-75-508		
Section 310	**General sourcing rules**					
		A. Does the state source a retail sale, excluding lease or rental, of a product as follows:				
	CRIC INTERPRETATION ADOPTED SEPTEMBER 20, 2007	1. If received at business location of seller, then sourced to that location?	Yes	A.C.A. 26-52-521(b)(1)		
		2. If not received at business location of seller, then sourced to location of receipt?	Yes	A.C.A. 26-52-521(b)(2)		
		3. If subsections 1 & 2 do not apply, then sourced to address of purchaser in business records of seller that are maintained in ordinary course of seller's business?	Yes	A.C.A. 26-52-521(b)(3)		
		4. If subsections 1, 2 & 3 do not apply, then sourced to address of purchaser obtained during consummation of sale, including address of purchaser's payment instrument, if no other address is available?	Yes	A.C.A. 26-52-521(b)(4)		
		5. If subsections 1, 2, 3 & 4 do not apply, including the circumstance in which the seller is without sufficient information to apply the previous rules, then sourced to location from which tangible personal property was shipped, from which digital good or computer software delivered electronically was first available for transmission by seller, or from which service was provided.	Yes	A.C.A. 26-52-521(b)(5)		
		B. Does the state source a lease or rental of tangible personal property as follows:				
		1. If recurring periodic payments, the first periodic payment is sourced the same as a retail sale. Subsequent payments are sourced to the primary property location for each period covered by the payment?	Yes	A.C.A. 26-52-521(c)(1)		
		2. If no recurring periodic payments, then sourced in accordance with rules of retail sale?	Yes	A.C.A. 26-52-521(c)(2)		

	CRIC INTERPRETATION ADOPTED APRIL 18, 2006	C. Does the state source a lease or rental of motor vehicles, trailers, semi-trailers, or aircraft that do not qualify as transportation equipment as follows:				
		1. If recurring periodic payments, then sourced to primary property location?	Yes	A.C.A. 26-52-521(d)(1)		
		2. If no recurring periodic payments, then sourced in accordance with rules of retail sale?	Yes	A.C.A. 26-52-521(d)(2)		
		D. Does the state source the retail sale, including lease or rental, of transportation equipment in accordance with rules for retail sale?	Yes	A.C.A. 26-52-521(e)(2)		
		1. Does the state define transportation equipment pursuant to in Section 310, subsection D?	Yes	A.C.A. 26-52-521(e)(2)		
Section 310.1	**Election for Origin-Based sourcing**	**Effective January 1, 2010**				
		Has the state elected to source the retail sale of tangible personal property and digital goods on where the order is received?	No			
		Does the state comply with all the provisions of 310.1 B and C?	NA			
Section 311	**General sourcing definitions**					
		For the purposes of Section 310, subsection (A), does the state define the terms "receive" and "receipt" to mean: taking possession of tangible personal property, making first use of services, or taking possession or making first use of digital goods, whichever comes first? Note: The terms "receive" and "receipt" do not include possession by a shipping company on behalf of the purchaser.	Yes	A.C.A. 26-52-521(f)		
Section 313	**Direct mail sourcing**					
		A 1. Does the state relieve the seller of the obligation to collect, pay or remit tax upon receipt of the direct mail form?	Yes	A.C.A. 26-52-522(a)(2)		
		2. Does the state provide that upon receipt of delivery information, the seller shall collect tax according to purchaser's submitted information and in the absence of bad faith, seller is relieved of further liability?	Yes	A.C.A. 26-52-522(a)(3)		
		B. Does the state require the seller to collect tax pursuant to Section 310 (A)(5) if the purchaser does not have direct pay permit and does not provide Direct Mail Form or delivery information?	Yes	A.C.A. 26-52-522(b)		
		C. Does the state provide that if a purchaser provides documentation of direct pay authority, the purchaser is not required to provide a Direct Mail Form or delivery information to the seller?	Yes	A.C.A. 26-52-522(c)		

Section 313.1	Origin-based direct mail sourcing					
		A. Has the state adopted the origin-based direct mail sourcing?	No			
Section 314	**Telecom sourcing rule**					
		A. Except as required in subsection C below, does the state source telecommunication services sold on a call-by-call basis to each level of taxing jurisdiction where the call originates and terminates in that jurisdiction or each level of taxing jurisdiction where the call either originates or terminates and in which service address is located?	Yes	A.C.A. 26-52-315(d)(1)		
		B. Except as required in subsection C below, does the state source telecommunication service to the customer's place of primary use if sold on a basis other than call-by-call basis?	Yes	A.C.A. 26-52-315(d)(2)		
		C1. Does the state source the sale of mobile telecommunication service, other than air-to-ground radiotelephone service and prepaid calling service, to customer's place of primary use as required under Mobile Telecommunications Sourcing Act?	Yes	A.C.A. 26-52-315(d)(3)		
		C2. Does the state source the sale of post-paid calling service to the origination point of the telecommunication signal as first identified by either the seller's telecommunication system or information received by the seller from its service provider, where system used to transport signals is not that of the seller?	Yes	A.C.A. 26-52-315(d)(3)		
		C3. Does the state source the sale of prepaid wireless calling service in accordance with Section 310 of the Agreement, including the option of the location associated with the mobile telephone number for prepaid wireless calling service?	Yes	A.C.A. 26-52-315(d)(3)		
		C4a. For the sale of private communication service, does the state source a separate charge related to a customer channel termination point to each level of jurisdiction in which such customer channel termination point is located?	Yes	A.C.A. 26-52-315(d)(3)(D)		
		C4b. For the sale of private communication service, does the state source to the jurisdiction in which the customer channel termination points are located when all customer termination points are located entirely within one jurisdiction or levels of jurisdictions?	Yes	A.C.A. 26-52-315(d)(3)(D)		

		C4c. For the sale of private communication service, does the state source fifty percent in each level of jurisdiction in which the customer channel termination points are located when service for segments of a channel between two customer channel termination points located in different jurisdictions and which segment of channel are separately charged ?	Yes	A.C.A. 26-52-315(d)(3)(D)		
		C4d. For the sale of private communication service, does the state source to each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points when service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed?	Yes	A.C.A. 26-52-315(d)(3)(D)		
		D. Does the state source the sale of Internet access service to the customer's place of primary use?	NA			
		E. Does the state source the sale of an ancillary service to the customer's place of primary use?	Yes	A.C.A. 26-52-315(d)(4)		
Section 315	**Telecom sourcing definitions**					
		Does the state define the following terms in sourcing telecommunications:				
		A. Air-to-ground radiotelephone service?	Yes	A.C.A. 26-52-315(e)(1)		
		B. Ancillary services?	Yes	A.C.A. 26-52-315(e)(2)		
		C. Call-by-call basis?	Yes	A.C.A. 26-52-315(e)(3)		
		D. Communications channel?	Yes	A.C.A. 26-52-315(e)(4)		
		E. Customer?	Yes	A.C.A. 26-52-315(e)(5)		
		F. Customer channel termination point?	Yes	A.C.A. 26-52-315(e)(6)		
		G. End user?	Yes	A.C.A. 26-52-315(e)(7)		
		H. Home service provider?	Yes	A.C.A. 26-52-315(e)(8)		
		I. Mobile telecommunications service?	Yes	A.C.A. 26-52-315(e)(12)		
		J. Place of primary use?	Yes	A.C.A. 26-52-315(e)(13)		
		K. Post-paid calling service?	Yes	A.C.A. 26-52-315(e)(14)		
		L. Prepaid calling service?	Yes	A.C.A. 26-52-314, 26-52-315(e)(15)		

		M. Prepaid wireless calling service?	Yes	A.C.A. 26-52-314, 26-52-315(e)(16)		
		N. Private communication service?	Yes	A.C.A. 26-52-315(e)(17)		
		O. Service address?	Yes	A.C.A. 26-52-315(e)(18)		
Section 316	**Enactment of Exemptions**					
		Product-based exemptions. If the state exempts a product that is defined in Part II of the Library of Definitions does the state do so consistent with Part II and Section 327?	Yes			
		Product-based exemptions. Can the state confirm that where the Agreement has a definition for a product that the state exempts, the state does not exempt specific items included within that product definition unless the definition sets out an exclusion for such item.	Yes			
		Entity and Use-based exemptions. If the state has enacted an entity or use-based exemption for a product that is defined in Part II of the Library of Definitions does the state do so consistent with Part II and Section 327?	Yes			
		Use-based exemptions. Can the state confirm that any use-based exemption for an item does not constitute a product-based exemption for a product defined in the Agreement that includes such item?	Yes			
Section 317	**Administration of exemptions**					
		A. Does the state provide for the following in regard to purchasers claiming exemption:				
		1. Seller shall obtain identifying information from purchaser and reason for claiming exemption?	Yes	A.C.A. 26-21-107, 26-52-517, GR-79		
		2. Purchaser is not required to provide signature, unless paper exemption certificate?	Yes	A.C.A. 26-21-107, 26-52-517, GR-79		
		3. Seller shall use standard form for claiming exemption electronically?	Yes	A.C.A. 26-21-107, 26-52-517, GR-79		
		4. Seller shall obtain same information for proof regardless of medium?	Yes	A.C.A. 26-21-107, 26-52-517, GR-79		
		5. Does the state issue identification numbers to exempt purchasers that must be presented to sellers?	No			
		6. Seller shall maintain records of exempt transaction and provide to state when requested?	Yes	A.C.A. 26-18-506		

	The Governing Board has not defined "does not burden sellers". The burden is on each state to prove that something other than a direct-pay permit or exemption certificate meets this provision.	7. Does the state administer use-based and entity-based exemptions when practicable through a direct pay permit, an exemption certificate, or another means that does not burden sellers.	Yes	A.C.A. 26-52-509, GR-79		
		8. In the case of drop shipment sales, does the state allow a third party vendor to claim a resale exemption based on an exemption certificate provided by its customer/re-seller or any other acceptable information available to the third party vendor evidencing qualification for a resale exemption, regardless of whether the customer/re-seller is registered to collect and remit sales and use tax in the state where the sale is sourced?	Yes	GR-5(D), GR-53		
		B. Does the state relieve the seller from any tax if it is determined that the purchaser improperly claimed an exemption and hold the purchaser liable for the tax, assuming the exceptions in the section?	Yes	A.C.A. 26-21-107, 26-52-517, GR-79		
		C. Does the state relieve a seller of the tax otherwise applicable if the seller obtains a fully completed exemption certificate or captures the relevant data elements required under the Agreement within 90 days subsequent to the date of sale?	Yes	A.C.A. 26-21-107, 26-52-517, GR-79		
	The answer to this question does not impact certification, but it would provide information to taxpayers.	2. Does the state require purchasers to update exemption certificate information or to reapply with the state to claim certain exemption?	No			
		3. Does the state relieve a seller of tax if the seller obtains a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship?	Yes	A.C.A. 26-21-107, 26-52-517, GR-79		
Section 318	**Uniform tax returns**					
		A. Does the state require the filing of only one tax return for each taxing period for each seller for the state and all local jurisdictions?	Yes	A.C.A. 26-52-501, 26-53-125		
		B. Does the state require that returns be filed no sooner than the twentieth day of the month following the month in which the transaction occurred?	Yes	A.C.A. 26-52-501, 26-53-125		
		C. Does the state allow a Model 1, Model 2, or Model 3 seller to submit its sales and use tax returns in a simplified format that does not include more data fields than permitted by the governing board?	Yes	A.C.A. 26-21-108		

		D. Does the state allow any seller that is registered under the Agreement, which does not have a legal requirement to register in the member state, and is not a Model 1, 2, or 3 seller, to file a return no more often than once a year unless the seller has accumulated more than $1,000 in state and local taxes?	Yes	A.C.A. 26-53-125		
		1. Does the state provide to the seller the returns required by that state?	Yes			
		E. Would the state make available to all sellers a uniform sales and use tax return developed with other states?	Yes			
Section 319	**Uniform rules for remittance of funds**					
		A1. Does the state require more than one remittance for each return?	Yes			
		A2. If the state requires more than one remittance for each return does it do so only if: (1) seller collects more than $30,000 in sales and use taxes in state during preceding year, (2) any additional remittance to be determined through a calculation method, and (3) the seller is not required to file additional return?	Yes	A.C.A. 26-52-501, 26-52-512		
		C. Does the state allow payment to be made by both ACH Credit & ACH Debit?	Yes	A.C.A. 26-19-101 et seq.		
		D. Does the state provide an alternative method for "same day" payment if electronic fund transfer fails (electronic check or Fed Wire)?	Yes	A.C.A. 26-21-108, GR-77		
		E. Does the state provide that if a due date falls on a legal banking holiday in the state, the taxes are due on the next business day?	Yes	A.C.A. 26-18-105, 26-53-125		
		F. Does the state require that any data that accompanies a remittance to be formatted using uniform tax type and payment type codes?	Yes	A.C.A. 26-21-108		
Section 320	**Uniform rules for recovery of bad debts**					
		A. Does the state allow a seller to take a deduction from taxable sales for bad debts?	Yes	A.C.A. 26-52-309, 26-53-111		
		B. Does the state use the definition of bad debt found in 26 U.S.C. Sec. 166 as basis for calculating a bad debt recovery, excluding: financing charges or interest; sales or use taxes charged on purchase price; uncollectible amounts on property that remains in possession of seller until full price paid; expenses incurred in attempt to collect debt, and repossessed property?	Yes	A.C.A. 26-52-309, 26-53-111		

		C1. Does the state allow bad debts to be deducted on the return for the period during which the bad debt is written off as uncollectible on and is eligible be deducted for federal income tax purposes?	Yes	A.C.A. 26-52-309, 26-53-111		
		C2. If the seller is not required to file a federal income tax return does the state allow bad debts to be deducted on the return for the period during which the bad debt is written off as uncollectible on and would be eligible be deducted for federal income tax purposes if the seller was required to file a federal return?	Yes	A.C.A. 26-52-309, 26-53-111		
		D. Does the state require that, if a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount so collected must be paid and reported on the return files for the period in which the collection is made?	Yes	A.C.A. 26-52-309, 26-53-111		
		E. Does the state provide that, when the amount of a bad debt exceeds taxable sales for period when written off, a refund claim may be filed within the applicable statute of limitations (measured from due date of return on which bad debt could first be claimed)?	Yes	A.C.A. 26-52-309, 26-53-111		
		F. Does the state provide that if filing responsibilities are assumed by a CSP, the state allows the CSP to claim, on behalf of the seller, any bad debt allowance?	Yes	A.C.A. 26-52-309, 26-53-111		
		G. Does the state provide that, for purposes of reporting payment on previously claimed bad debt, any payments made are applied first proportionately to taxable price of property or service and sales tax thereon, and secondly to interest, service charges, and any other charges?	Yes	A.C.A. 26-52-309, 26-53-111		
		H. Does the state permit allocation of a bad debt among states if the books and records of a the party support allocation among states?	Yes	A.C.A. 26-52-309, 26-53-111		
Section 321	**Confidentiality and privacy protections under Model 1**					
		E. Does the state provide public notification to consumers, including exempt purchasers, of state's practices relating to collection, use and retention of personally identifiable information?	Yes	A.C.A. 26-18-301 et seq., 26-20-106, 26-21-113		
		F. Does the state provide that when any personally identifiable information is no longer required for purposes in Section 321 subsection (D)(4), such information shall no longer be retained by state?	Yes	A.C.A. 26-18-301 et seq., 26-20-106, 26-21-113		

		G. Does the state provide that when personally identifiable information regarding an individual is retained by or on behalf of state, the state shall provide reasonable access to information by such individual and a right to correct inaccurate information?	Yes	A.C.A. 26-18-301 et seq., 26-20-106, 26-21-113		Information may be corrected through the central registration system, as well as through forms available on the Department's website.
		H. Does the state provide that if anyone other than a member state or person authorized by state law or the Agreement seeks to discover personally identifiable information, state makes reasonable and timely effort to notify the individual of the request?	Yes	A.C.A. 26-18-303, 26-20-106, 26-21-113		Arkansas cannot release such information without the permission of the subject.
		I. Is the state's privacy policy subject to enforcement by state's AG or other appropriate government authority?	Yes	A.C.A. 26-18-303(f)		
Section 322	**Sales tax holidays**					
		A. Does the state have sales tax holidays?	No			
		1. If a state has a holiday, does the state limit the holiday exemption to items that are specifically defined in Part II or Part III(B) of the Library of Definitions and apply the exemptions uniformly to state and local sales and use taxes?	NA			
		2. If a state has a holiday, does the state provide notice of the holiday at least 60 days prior to first day of calendar quarter in which the holiday will begin?	NA			
		3. If a state has a holiday, does the state apply an entity or use based exemption to items?	NA			
		3. If a state has a holiday, does the state limit a product based exemption to items purchased for personal or non-business use?	NA			
		4. If a state has a holiday, does the state require a seller to obtain an exemption certificate or other certification from a purchaser for items to be exempted during a sales tax holiday?	NA			
		B1. If a state's holiday includes a price threshold, does the state provide that the threshold includes only items priced below threshold?	NA			
		B2. If a state's holiday includes a price threshold, does the state exempt only a portion of the price of an individual item during holiday?	NA			
		C. Does the state meet each of the procedural requirements for holidays?	NA			
		1. Layaway sales?	NA			
		2. Bundled sales?	NA			
		3. Coupons and discounts?	NA			
		4. Splitting of items normally sold together?	NA			
		5. Rain checks?	NA			
		6. Exchanges?	NA			

		7. Delivery charges?	NA			
		8. Order date and back orders?	NA			
		9. Returns?	NA			
		10. Different time zones?	NA			
Section 323	**Caps and thresholds**					
		1. Does the state have any caps or thresholds on the application of rates or exemptions based on the value of a transaction or item?	No			
		2. Does the state have any caps that are based on application of rates unless the application of rates are administered in a manner that places no additional burden on retailer?	NA			
		B. Do local jurisdictions within the state that levy sales or use tax have caps or thresholds on application of rates or exemptions that are based on value of transaction or item?	No	A.C.A. 14-164-334, 26-74-220, 26-74-320, 26-74-412, 26-74-612, 26-75-222, 26-75-319, 26-81-104		
		D. Does the state have cap or threshold on the value of essential clothing?	No			
Section 324	**Rounding rule**					
		1. Does the state provide that the tax computation must be carried to the third decimal place?	Yes	A.C.A. 26-21-108, GR-71		
		2. Does the state provide that the tax must be rounded to a whole cent using a method that rounds up to next cent whenever third decimal place is greater than four after?	Yes	A.C.A. 26-21-108, GR-71		
		B.1. Does the state allow sellers to elect to compute tax due on a transaction, on a item or invoice basis, and shall allow rounding rule to be applied to aggregated state and local taxes?	Yes	A.C.A. 26-21-108, GR-71		
		B.2. Can the state confirm that it has repealed any requirements for sellers to collect tax on bracket system?	Yes			
Section 325	**Customer refund procedures**					
		C. Does the state provide that a cause of action against seller does not accrue until the purchaser has provided written notice to the seller and the seller has had 60 days to respond? Notice must contain information necessary to determine validity of request.	Yes	A.C.A. 26-21-109		
		D. Does the state provide for uniform language in regard to presumption of a reasonable business practice when a seller: I) uses either a provider or a system, including a proprietary system, that is certified by the state; and ii) has remitted to state all taxes collected, less deductions, credits or collection allowances?	Yes	A.C.A. 26-21-109		

Section 326	**Direct pay permits**					
		Does the state provide for a direct pay authority that allows the holder of a direct pay permit to purchase otherwise taxable goods and services without payment of tax to the supplier at the time of purchase?	Yes	A.C.A. 26-52-509		
Section 327	**Library of definitions**					
		A. If term defined in Library appears in state's statutes, rules or regulations, has the state adopted the definition in substantially the same language as the Library definition?	Yes			
		B. Can the state confirm that it does not use a Library definition that is contrary to meaning of Library definition?	Yes			
	CRIC INTERPRETATION ADOPTED AUGUST 29, 2006	C. Except as provided in Sections 316 and 332 and Library, can the state confirm that it imposes tax on all products and services included within each Part II or Part III(B) definition or exempt from tax all products or services within each definition?	Yes			
Section 328	**Taxability matrix**					
		A1. Has the state completed the taxability matrix in the downloadable format approved by Governing Board?	Yes			
		A2. Does the state provide notice of changes in the taxability matrix as required by the Governing Board?	Yes			
		B. Does the state relieve sellers and CSPs from liability to the state and its local jurisdictions for having charged and collected incorrect tax resulting from erroneous data in the matrix?	Yes	A.C.A. 26-21-106, GR-79		
		C. If the state taxes specified digital products, has the state noted such in the taxability matrix?	NA			
		D. If the state has a sales tax holiday, has the state noted the exemption in the taxability matrix?	NA			
Section 329	**Effective date for rate changes**					
		Does the state provide that the effective date of rate changes for services covering a period starting before or ending after the statutory effective date is as follows:				
		1. For a rate increase, the new rate shall apply to the first billing period starting on or after the effective date?	Yes	A.C.A. 26-21-112		
		2. For a rate decrease, new rate shall apply to bills rendered on or after the effective date?	Yes	A.C.A. 26-21-112		
Section 330	**Bundled Transactions**					
		A. Has the state adopted and does the state utilize the core definition of "bundled transaction" to determine tax treatment?	Yes	A.C.A. 26-52-103(2), GR-93		

		C. Can the state confirm that for bundled transactions that include telecommunication service, ancillary service, internet access, or audio or video programming service the following rules apply:				
		1.For transactions that include both taxable and nontaxable items, the price attributable to nontaxable items is exempt if the provider can identify the price by reasonable and verifiable standards from its books and records.	Yes	A.C.A. 26-52-315, GR-7, GR-93		
		2. For transactions that include products subject to different tax rates, the total price may be treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, non-tax purposes?	Yes	A.C.A. 26-52-315, GR-7, GR-93		
		D. If the state otherwise has not specifically imposed tax on the retail sales of computer software maintenance contracts, does the state treat software maintenance contracts as provided in this section?	Yes			
Section 331	**Relief from certain liability for purchasers**					
		A. Does the state provide relief for purchasers from liability for penalty to that state and its local jurisdictions for having failed to pay the correct amount of sales or use tax in the following circumstances:				
		1. A purchaser's seller or CSP relied on erroneous data provided by the state on tax rates, boundaries, taxing jurisdiction assignments, or in the taxability matrix completed by the state pursuant to Section 328?	Yes	A.C.A. 26-21-106, GR-79		
		2. A purchaser holding a direct pay permit relied on erroneous data provided by the state on tax rates, boundaries, taxing jurisdiction assignments, or in the taxability matrix completed by the state pursuant to Section 328?	Yes	A.C.A. 26-21-106, GR-79		
		3. A purchaser relied on erroneous data provided by the state in the taxability matrix completed by the state pursuant to Section 328?	Yes	A.C.A. 26-21-106, GR-79		

		4. A purchaser using databases pursuant to subsections (F), (G), and (H) of Section 305 relied on erroneous data provided by the state on tax rates, boundaries, or taxing jurisdiction assignments?	Yes	A.C.A. 26-21-106, GR-79		
		B. (Except where prohibited by a member state's constitution) Does the state relieve a purchaser from liability for tax and interest to the state and its local jurisdictions for having failed to pay the correct amount of sales or use tax in the circumstances described in Section 331 A, provided that, with respect to reliance on the taxability matrix completed by the state pursuant to Section 328, such relief is limited to the state's erroneous classification in the taxability matrix of terms included in the Library of Definitions as "taxable" or "exempt", "included in sales price" or "excluded from sales price" or "included in the definition" or "excluded from the definition".	Yes	A.C.A. 26-21-106, GR-79		
Section 332	**Specified Digital Products**					
		A. Does the state include specified digital products, digital audio-visual works, digital audio works, or digital books in its definition of ancillary services, computer software, telecommunication services or tangible personal property?	No			
		D1. Is the state's tax on specified digital products, digital audio-visual works, digital audio works, or digital books construed to apply only to the end user unless specifically imposed on someone other than the end user?	NA			
		D2. Is the state's tax on specified digital products, digital audio-visual works, digital audio works, or digital books construed to apply only only on a sale with the right of permanent use unless specifically imposed on a sale with less than permanent use?	NA			
		D3. Is the state's tax on specified digital products, digital audio-visual works, digital audio works, or digital books construed to apply only only on a sale which is not conditioned upon continued payment from the purchaser unless specifically imposed on a sale which is conditioned upon continued payment from the purchaser?	NA			
		D4. Does the state's taxability matrix indicate if the state's tax is imposed on a product transferred electronically to a person other than the end user or on a sale with the right of less than permanent use granted by the seller or which is conditioned upon continued payment from the purchaserr?	NA			

		G. Is the state's tax treatment of the sale of a digital code the same as the tax treatment of specified digital product or product delivered electronically to which the digital code relates?	NA			
Section 333	**Use of Specified Digital Products**	**Effective January 1, 2010**				
		Does the state inlcude any product transferred electronically in its definition of tangible personal property?	No			
Section 334	**Prohibited replacement taxes**					
		Does the state have any prohibited replacement taxes?	No			
Section 401	**Seller participation**					
		A. Does the state participate in the Governing Board's online registration system?	Yes	A.C.A. 26-21-104		
		B. Does the state provide that it will not use a seller's registration with the central registration system and collection of taxes in member states in determining whether seller has nexus with state for tax at any time?	Yes	A.C.A. 26-21-104		
Section 402	**Amnesty for registration**					
	CRIC INTERPRETATION ADOPTED DECEMBER 14, 2006	A1. Does the state provide amnesty to a seller who registers to pay or collect and remit applicable tax in accordance with Agreement, provided the seller was not so registered in state in 12-month period preceding effective date of state's participation in the Agreement?	Yes	A.C.A. 26-21-110		
		A2. Does the state provide that their amnesty will preclude assessment for tax together with penalty and interest for sales made during the period the seller was not registered in the state, provided registration occurs within 12 months of effective date of state's participation in the Agreement?	Yes	A.C.A. 26-21-110		
		A3. Does the state provide amnesty to sellers registered prior to when the state joins the Agreement?	Yes	A.C.A. 26-21-110		
	CRIC INTERPRETATION ADOPTED APRIL 18, 2006	B. Does the state provide that its amnesty is not available to a seller who has received a notice of audit from that state and the audit is not yet resolved, including any related administrative and judicial processes?	Yes	A.C.A. 26-21-110		
	CRIC INTERPRETATION ADOPTED APRIL 18, 2006	C. Does the state provide that its amnesty does not apply to taxes already paid to the state or to taxes already collected by a seller?	Yes	A.C.A. 26-21-110		

	CRIC INTERPRETATIONS ADOPTED AUGUST 29, 2006 & DECEMBER 14, 2006	D. Does the state provide that its amnesty is fully effective, absent fraud or misrepresentation of material fact, as long as the seller continues registration and continues payment of taxes for period of at least 36 months? Did the state toll its statute applicable to asserting a tax liability during 36 month period?	Yes	A.C.A. 26-21-110		
		E. Does the state provide that its amnesty is applicable only to taxes due from a seller in its capacity as seller and not in its capacity as a buyer?	Yes	A.C.A. 26-21-110		
Section 403	**Method of remittance**					
		Does the state provide that the seller may select one of the technology models?				
		A. Model 1-seller selects CSP as agent to perform all functions except remit tax on its own purchases?	Yes	A.C.A. 26-21-103		
		B. Model 2-seller selects CAS which calculates amount of tax due?	Yes	A.C.A. 26-21-103		
		C. Model 3-seller utilizes own proprietary system that has been certified as a CAS?	Yes	A.C.A. 26-21-103		
Section 404	**Registration by an agent**					
		Does the state provide that the seller may be registered by an agent?	Yes	UT-6		
	This isn't a compliance issue but is something sellers and their agents should know.	Does the state require that the written agent appointments be submitted to the state?	No			An agent registering a seller through the central registration system is not required to submit a written agent appointment.
Section 501	**Provider and System Certification**					
		A. Does state law provide for provider and system certification to aid in the administration of sales and use tax collection?	Yes	A.C.A. 26-21-111		
Section 502	**State review and approval of Certified Automated System Software and Certain Liability Relief**					
		A. Can the state confirm that it reviews software submitted for certification as a CAS under Section 501?	Yes	A.C.A. 26-21-111		
		B. Does the state provide liability relief to CSP's and model 2 sellers for reliance on the certification?	Yes	A.C.A. 26-21-106, 26-21-111, GR-79		
		C. Does the state provide liability relief to CSP's in the same manner as provided to sellers under Section 317?	Yes	A.C.A. 26-21-106, 26-21-111, GR-79		
		E. Does the state allow the CSP or model 2 seller 10 days to correct classification of items found to be in error before holding the CSP or model 2 seller liable?	Yes	A.C.A. 26-21-111		

Section 601	**Monetary allowance under Model 1**					
		A. Does the state provide a monetary allowance to a CSP in Model 1 in accordance with the terms of the contract between the governing board and the CSP?	Yes	A.C.A. 26-21-111		
Section 602	**Monetary allowance for Model 2 sellers**					
		Does the state provide monetary allowance to Model 2 sellers pursuant to the Governing Board's rules?	Yes	A.C.A. 26-21-111		
Section 603	**Monetary allowance for Model 3 sellers and all other sellers that are not under Models 1 or 2**					
		A. Does state law provide for a percentage of revenue monetary allowance for a period not to exceed 24 months for a voluntary Model 3 seller's registration and all other sellers that are not using Models 1, 2, or 3?	Yes	A.C.A. 26-21-111		
Section 604	**Monetary allowance for sellers impaced by origin sourcing**	**Effective January 1, 2010**				
		Does the state provide reasonable compensation for the incremental expenses in establishing or maintaining a uniform origin system for administering, collection and remitting sales and use taxes on origin-based sales?	NA			

		APPENDIX C - LIBRARY OF DEFINITIONS				
		Please verify for each item that the state uses the definition provided by the Agreement. If the item is not applicable in your state, answer "N/A."				
Part I	**Administrative definitions**					
		Bundled transaction	Yes	A.C.A. 26-52-103(2), GR-93		
		Delivery charges	Yes	A.C.A. 26-52-103(6)		
	CRIC INTERPRETATION ADOPTED DECEMBER 14, 2006 AND SEPTEMBER 5, 2008	**Direct mail**	Yes	A.C.A. 26-52-103(8)		
		Lease or rental	Yes	A.C.A. 26-52-103(15)		
		Purchase price	Yes	A.C.A. 26-53-102(13)		
		Retail sale or Sale at retail	Yes	A.C.A. 26-52-103(18)		
		Sales price	Yes	A.C.A. 26-52-103(13)		
		Telecommunications nonrecurring charges	NA			
	CRIC INTERPRETATION ADOPTED MAY 12, 2009	Tangible personal property	Yes	A.C.A. 26-52-103(21)		
Part II	**Product definitions**	**CLOTHING**				
		Clothing	NA			
		Clothing accessories or equipment	NA			
		Essential clothing	NA			
	CRIC INTERPRETATION ADOPTED AUGUST 29, 2006	Fur clothing	NA			
		Protective equipment	Yes	A.C.A. 26-52-434, GR-31.1		
		Sport or recreational equipment	NA			
		COMPUTER RELATED				
		Computer	Yes	A.C.A. 26-52-304		
	CRIC INTERPRETATION ADOPTED MAY 12, 2009	Computer software	Yes	A.C.A. 26-52-304		
		Delivered electronically	Yes	A.C.A. 26-52-304		
		Electronic	Yes	A.C.A. 26-52-304		
		Load and leave	Yes	A.C.A. 26-52-304		
	CRIC INTERPRETATION ADOPTED MAY 12, 2009	Prewritten computer software	Yes	A.C.A. 26-52-304, GR-25		
		Computer software maintenance contract	NA			
		Mandatory computer software maintenance contract	NA			
		Optional computer software maintenance contract	NA			
		DIGITAL PRODUCTS				
		Specified digital products	NA			
		Digital audio-visual works	NA			
		Digital audio works	NA			
		Digital books	NA			
		FOOD AND FOOD PRODUCTS				
		Alcoholic beverages	Yes	A.C.A. 26-52-103(1)		
	CRIC INTERPRETATION ADOPTED SEPTEMBER 20, 2007	Candy	NA			

		Dietary supplement	Yes	A.C.A. 26-52-103(7)	
		Food and food ingredients	Yes	A.C.A. 26-52-103(12)	
		Food sold through vending machines	NA		
	CRIC INTERPRETATION ADOPTED APRIL 18, 2006 & DECEMBER 14, 2006	Prepared food	Yes	A.C.A. 26-52-103(17), 26-52-317	
		Soft drinks	NA		
		Tobacco	Yes	A.C.A. 26-52-103(24)	
		HEALTH-CARE			
	CRIC INTERPRETATION ADOPTED JUNE 23, 2007	Drug	Yes	A.C.A. 26-52-406, GR-38	
		Durable medical equipment (effective 1/1/08)	Yes	A.C.A. 26-52-433	
		Grooming and hygiene products	NA		
		Mobility enhancing equipment	Yes	A.C.A. 26-52-433	
		Over-the-counter-drug	NA		
		Prescription	Yes	A.C.A. 26-52-406, GR-38	
		Prosthetic device	Yes	A.C.A. 26-52-433	
		TELECOMMUNICATIONS			
		The following are Tax Base/Exemption terms:			
		Ancillary services	Yes	A.C.A. 26-52-315, GR-7	
		Conference bridging service	Yes	A.C.A. 26-52-315, GR-7	
		Detailed telecommunications billing service	Yes	A.C.A. 26-52-315, GR-7	
		Directory assistance	Yes	A.C.A. 26-52-315, GR-7	
		Vertical service	Yes	A.C.A. 26-52-315, GR-7	
		Voice mail service	Yes	A.C.A. 26-52-315, GR-7	
		Telecommunications service	Yes	A.C.A. 26-52-315	
		800 service	Yes	A.C.A. 26-52-315	
		900 service	Yes	A.C.A. 26-52-315	
		Fixed wireless service	Yes	A.C.A. 26-52-315, GR-7	
		Mobile wireless service	Yes	A.C.A. 26-52-315, GR-7	
		Paging service	Yes	A.C.A. 26-52-315, GR-7	
		Prepaid calling service	Yes	A.C.A. 26-52-314, 26-52-315	
		Prepaid wireless calling service	Yes	A.C.A. 26-52-314, 26-52-315	
		Private communications service	Yes	A.C.A. 26-52-315	
		Value-added non-voice data service	Yes	A.C.A. 26-52-315, GR-7	
		The following are Modifiers of Sales Tax Base/Exemption Terms:			
		Coin-operated telephone service	NA		
		International	Yes	A.C.A. 26-52-315	
		Interstate	Yes	A.C.A. 26-52-315	
		Intrastate	Yes	A.C.A. 26-52-315	
		Pay telephone service	NA		
		Residential telecommunications service	NA		
Part III	**Sales Tax Holiday Definitions**				
		Eligible property	NA		
		Energy Star qualified product	NA		
		Layaway sale	NA		
		Rain check	NA		
		School supply	NA		
		School art supply	NA		
		School instructional material	NA		

		School computer supply	NA			

Notes:

The Certificate of Compliance was revised on July 7, 2009, to reflect amendments to the Agreement as approved by the Streamlined Sales Tax Implementing States through May 12, 2009.

Certificate of Compliance Attestation

As the chief executive of the state's tax agency, I declare that this Certificate of Compliance is true, correct, and complete to the best of my knowledge and belief.

Signature

Director, Dept. of Finance & Administration

Title

Arkansas

State

July 24, 2009

Date