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KPMG report: Sales tax obligations of marketplace facilitators (Michigan, Missouri, Florida)

More U.S. state and local governments continue to respond to the U.S. Supreme Court's decision in "South Dakota v. Wayfair, Inc."

Michigan

Legislation requiring marketplace facilitators to collect and remit sales tax was enacted in December 2019. Effective January 1, 2020, a marketplace facilitator that meets statutory economic nexus thresholds is required to collect and remit sales and use tax on all taxable sales made directly by the facilitator or facilitated on behalf of a marketplace seller.

The Michigan Department of Treasury issued a notice and a list of "frequently asked questions" (FAQs) addressing the sales and use tax obligations of marketplace facilitators. The notice provides that the Department will, upon request, waive failure-to-file or deficiency **penalties** for tax due on sales facilitated by a marketplace facilitator, for returns due on or before April 20, 2020. However, there will be no penalty relief for direct sales made by marketplace facilitators. The notice also clarifies that the marketplace facilitator is considered to be the taxpayer and has all the rights and obligations of other persons making retail sales, including the ability to claim early payment discounts, the need to maintain exemption certificates, and the need for access to all relevant data.

Missouri and Florida

Multiple bills that would adopt sales and use tax economic nexus and marketplace facilitator provisions have been pre-filed in Missouri and Florida.

Read a [January 2020 report](#) prepared by KPMG LLP

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