Title 35 Mississippi State Tax Commission

Part IV Sales & Use

Subpart 13 General

Chapter 05 Auctions, Flea Markets, Antique Malls and Other Similar Establishments

100 Auctions

101 An Auctioneer is~~—A~~ a person who owns tangible personal property or to whom tangible personal property has been consigned and who offers tangible personal property for sale at auction.

102 For the purpose of an auction, gross proceeds of sales are the total amount received without any deductions for commissions.

103 Auctioneers either operating from an established place of business or regularly engaged in auctions or licensed as an auctioneer with the State of Mississippi or any other state are considered to be in the business of selling tangible personal property. Sales tax~~es~~ is~~are~~ due on the gross receipts from such sales regardless of how such tangible personal property may have been acquired, or by whom it may be owned.

104 Persons or entities operating from an established place of business or regularly engaged in operating Estate Sales are considered to be in the business of selling tangible personal property. Sales tax is due on the gross receipts from such Estate Sales regardless of how such tangible personal property may have been acquired, or by whom it may be owned.

105~~4~~ In cases where inventory items held for sale are auctioned at the closure of a business, sales taxes due from the sales of such items are reported through the sales tax account of the business and not by the auctioneer.

106~~5~~ An auctioneer, unless meeting the requirements for a dealer and Designated Agent, will not be responsible for collecting sales tax on motor vehicles sold through the auction. Under Miss. Code Ann. Section 27-65-201~~Mississippi Code of 1972~~, motor vehicles sold between non-dealers are subject to a ~~3~~5% casual sales tax. The county tax collector for the county, in which the motor vehicle will be registered, is responsible for collecting this tax unless a dealer is involved in the transaction. If a dealer is involved in the transaction, the dealer is responsible for collecting and remitting the appropriate sales tax.

107~~6~~ (Reserved)

200 Flea Markets, Antiques Malls and Promoted Events

201 Flea Markets and Antiques Malls are businesses where nonpermanent spaces are ~~provided~~ rented to participants for the sale or exchange of secondhand articles, antiques and crafts~~, for a fee~~. The participants may rent these nonpermanent spaces on a daily, weekly or monthly basis. A fee may or may not be charged to prospective buyers for admission to the area where such property is offered or displayed for sale or exchange.

202 Promoted Events include, but are not limited to, community festivals, craft shows, seasonal shows, music festivals, and other similar events. These events may include multiple vendors selling tangible personal property, including food or drink.

203 The owner/promoter/operator of a flea market, antique mall or promoted event is the seller and is responsible for collecting and remitting the sales tax collected by dealers, salespersons or individuals selling at such events. Any vendor who holds a retail sales tax permit should not report tax from an event under his/her number. All taxes collected from these establishments or events must be reported by the owner/promoter/operator.

204 (Reserved)

300 Consignment or Broker Sales

301 The consignee or broker (licensed retailer or wholesaler) is liable for the sales tax on sales of tangible personal property that was consigned, delivered or entrusted to him regardless if the broker or consignee acquires possession or if the consignor retains title or not.

302 (Reserved)

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106 An auctioneer, unless meeting the requirements for a dealer and Designated Agent, will not be responsible for collecting sales tax on motor vehicles sold through the auction. Under Miss. Code Ann. Section 27-65-201, motor vehicles sold between non-dealers are subject to a 5% casual sales tax. The county tax collector for the county, in which the motor vehicle will be registered, is responsible for collecting this tax unless a dealer is involved in the transaction. If a dealer is involved in the transaction, the dealer is responsible for collecting and remitting the appropriate sales tax.

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