

withholding. These agreements apply to employee compensation only.

Any out-of-state sole proprietorship, partnership or S-corporation must allocate its earnings in Pennsylvania, and the owner, partners or shareholders must file Pennsylvania personal income tax returns if business activities are systematically and regularly carried on in Pennsylvania.

DISASTER RELATED ACTIVITIES

Special rules apply when the Governor declares a state of emergency or disaster. Out-of-state business entities that provide employees for disaster emergency-related work for infrastructure (such as a communications network, an electric generation, transmission and distribution system; a gas distribution system including the producing, generation, transmitting, distributing or furnishing of gas to the end customer; and/or a public or private water pipeline) that is damaged, impaired or destroyed by a disaster are not required to register their business, file state and local tax returns, withhold personal income tax from compensation paid to out-of-state employees, meet registration and/or licensing requirements, etc., if they are not already required to be registered or have not already conducted operations in Pennsylvania 10 days prior to the disaster or more than 60 days after the declaration of the disaster or as extended by the Governor.

CONTACT INFORMATION

Online Customer Service Center
www.revenue.pa.gov

Taxpayer Service & Information Center
Personal Taxes: 717-787-8201
Business Taxes: 717-787-1064
e-Business Center: 717-783-6277

1-888-PATAXES (728-2937)

Touch-tone service is required for this automated, 24-hour toll-free line. Call to order forms or check the status of a personal income tax account, corporate tax account or property tax/rent rebate.

Automated Forms Ordering Message Service
1-800-362-2050

Service for Taxpayers with Special Hearing
and/or Speaking Needs
1-800-447-3020

Call or visit your local Department of Revenue district office, listed in the government pages of local telephone directories.

PENNSYLVANIA TAX OBLIGATIONS FOR OUT-OF-STATE VENDORS



Information on Pennsylvania sales tax, corporation taxes and personal income tax for out-of-state vendors at trade shows, exhibitions, flea markets, conventions, arts and craft shows, etc.



SALES TAX

Any entity making taxable sales or performing taxable services in Pennsylvania must be licensed to collect and remit sales tax.

Pennsylvania's sales and use tax rate is 6 percent. An additional 1 percent local sales and use tax applies to sales in Allegheny County; an additional 2 percent local sales and use tax applies to sales in Philadelphia.

No tax is due on out-of-state deliveries made by a vendor or common carrier. However, deliveries made within Pennsylvania are subject to sales tax.

Any business that does not have a permanent physical location in Pennsylvania, but makes taxable sales in Pennsylvania on an irregular basis, is required to register for a transient vendor's license. Transient vendor licenses are renewable on a yearly basis so long as the taxpayer timely files and remits all sales tax.

All other out-of-state vendors, making taxable sales in Pennsylvania, are issued sales tax licenses, valid for five years and renewable so long as the taxpayer timely files and remits all state taxes. Sales and transient vendor licenses must be prominently displayed at all events.

Department of Revenue enforcement agents have the authority to issue citations to people who sell items subject to Pennsylvania sales tax without valid sales tax licenses. Penalties for making such sales may include a fine between \$300 and \$1,500 for each violation and imprisonment up to 30 days for failing to pay the fine.

SALES TAX – REMOTE SELLERS

Sales and Use Tax Bulletin 2011-01 explains existing sales tax nexus law for remote sellers, clarifying the law and the department's authority to require e-commerce and other out-of-state sellers with physical presence in Pennsylvania to collect sales tax. The bulletin relies on in-state

activity to establish nexus, as required by the U.S. Constitution, and provides examples of in-state activity sufficient to require sales tax registration and collection.

Companies with legal questions regarding establishment of nexus are encouraged to call the department's Office of Chief Counsel at 717-787-1382. Companies with questions regarding sales tax registration, collection and reporting requirements are encouraged to call Taxpayer Service and Information Center at 717-787-1064.

CORPORATION TAX

Generally, out-of-state corporations – including business trusts, limited liability companies and other entities taxed as corporations for federal income tax purposes – are subject to Pennsylvania corporate net income tax and capital stock/foreign franchise tax if they do business, carry on activities, own property or employ capital or property in Pennsylvania. Further, such a company is subject to corporate net income tax and capital stock/foreign franchise tax, whether it engages in such taxable activities in its own name or through another person, association, business trust, corporation, joint venture, limited liability company, limited partnership, partnership or other entity.

Whether a taxpayer or entity is subject to tax is based upon the type of activities conducted in Pennsylvania. Common taxable activities include the following:

- Installation
- Making repairs or performing maintenance
- Investigating or resolving complaints
- Accepting or approving orders
- Picking up or replacing damaged or returned property

- Maintaining an office or warehouse
- Collecting accounts

The department's de minimis standards provide that corporate tax reports do not need to be filed if the following activities are conducted on no more than seven days per year in Pennsylvania, and if the activities produce total annual Pennsylvania sales from all sources of \$10,000 or less:

- Installation
- Repair
- Maintenance and service
- Technical assistance or service
- Training incident to sales
- Attendance at trade shows to exhibit goods and to make sales from those goods

Solicitation activities conducted directly or through an agent or independent contractor subject a company to capital stock/foreign franchise tax. Such a company may also be subject to corporate net income tax if the activity goes beyond solicitation.

PERSONAL INCOME TAX

Pennsylvania's personal income tax rate is 3.07 percent.

Any out-of-state business with employees working in Pennsylvania is required to register with the Department of Revenue and withhold Pennsylvania income tax on wages and salaries paid to employees for services performed in Pennsylvania.

Pennsylvania has reciprocal tax agreements with Indiana, Maryland, New Jersey, Ohio, Virginia and West Virginia. Under these agreements, one state will not tax another state's residents on employee compensation subject to employer