

Margaret Norris,

We have a flea market (open area, no buildings), which operates Sundays and Mondays. The owner of the flea market has a license as operator. He charges for the dealers to set-up. We have not required to dealers to buy a license and I am told they do not collect and pay sales tax. I know the Dept. of Revenue came down and I was told that they do now pay sales tax. I do not know. Will try to find out. We have a complaint because they are not required to buy a license and pay sales tax (?). I've been told if they do not do \$400 per month they are not required to register with sales tax. Will you see what you can find out what we are supposed to do? The complaint is going to be presented at our board meeting Thursday night.
Thank you.

Jamie Hopkins,

I've got another question to run by you. The attached question was sent this morning to Margaret Norris, MTAS Management Consultant. She asked for my help regarding this multi-vendor open-area flea market that routinely occurs on Sundays and Mondays. This happens to be along the Tennessee border and probably has multi-state vendor participation.

Would you please review this question and email me a response that I can submit to our MTAS Knowledgebase and also forward to the city clerk before the council meeting on Thursday?

Thanks so much!

Ralph Cross

Ralph,

Thank you for your inquiry.

Pursuant to T.C.A. Section 67-6-220 "All dealers, not otherwise registered pursuant to this chapter, who sell at flea markets shall register and pay tax in one (1) of the following manners: (1)(A) Persons engaging in the business of making retail sales at flea markets may register and pay an annual registration fee of forty-five dollars (\$45). This registration shall be credited against that person's actual annual sales tax liability. This registration shall be valid at any location in the state during the period for which it is issued. (B) Should any dealers tax liability exceed forty-five dollars (\$45) then such dealer shall file an annual return...(3)(c)(1) The flea market operator shall be responsible for ensuring that all dealers operating at the operator's flea market are properly registered with the department."

If further information is required, please contact me. Thanks.

Jamie Hopkins