

Proposed Rules
of the
Department of Revenue

Chapter 1320-05-02
Local Sales and Use Tax Rules

Presented herein is a proposed repeal of the Department of Revenue submitted pursuant to Tenn. Code Ann. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Revenue to promulgate this rule without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed repeal is published. Such petition to be effective must be filed with the Department of Revenue, 6th Floor, Andrew Jackson State Office Building, 500 Deaderick Street, Nashville, Tennessee 37242, and in the Department of State, 8th Floor, William Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact David Gerregano, General Counsel, Department of Revenue, 6th Floor, Andrew Jackson State Office Building, 500 Deaderick Street, Nashville, TN 37242, telephone 615-741-2348.

The text of the proposed repeal is as follows:

Repeals

Rule 1320-05-02-.01 Bracket System is repealed in its entirety.

Authority: T.C.A. §§ 67-1-102 and 67-6-504(i).

The proposed rules set out herein were properly filed in the Department of State on the 31st day of March, 2008, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 29th day of July, 2008. (FS 03-22-08; DBID 2851)

Addendum

Regulatory Flexibility Act
Economic Impact Statement

Pursuant to Tenn. Code Ann. § 4-5-404, the Regulatory Flexibility Act does not apply to the proposed rule because the rule substantially codifies existing state law set out in the Public Acts of 2007, Chapter 602, Sections 54 through 126 and in Tenn. Code Ann. §§ 67-6-101 *et seq.* The promulgation of this proposed rule is required in order to make the Sales and Use Tax Rules of the Department of Revenue consistent with recent amendments to the Retailers' Sales Tax Act, Tenn. Code Ann. §§ 67-6-101 *et seq.*, enacted pursuant to Public Chapter 602 (2007), effective January 1, 2008. The proposed rule repeals a provision that is in direct conflict with the Retailers' Sales Tax Act, as amended. No new language is added by this proposed rule.