

## SALES AT SPECIAL EVENTS

### OVERVIEW

A special event is a gathering of sellers where merchandise, items, or services are sold or traded to the public from a temporary venue. Nebraska sales tax is due on all retail sales of taxable new and used items at special events. Promoters and sellers at special events are required to have a Nebraska sales tax permit.

*This information guide is intended to provide an overview. Nothing in this guide supersedes, alters, or otherwise changes any provisions of the Nebraska tax code, regulations, Nebraska Department of Revenue (Department) rulings, or court decisions.*



*This information guide may change with updated information or added examples. The Department recommends you do not print this guide. Instead, sign up for the subscription service at [www.revenue.ne.gov](http://www.revenue.ne.gov) to get updates on your topics of interest.*

### TERMS

**Promoter or Operator.** A promoter or operator is a person or entity that arranges, promotes, or sponsors a special event.

**Retail Sale.** Retail sale means any sale, lease, or rental of taxable property or services for any purpose other than resale. Transactions involving barter or trade are also considered retail sales.

**Seller.** A seller includes every person engaged in the business of selling, leasing, or renting tangible personal property or taxable services. Any seller is considered a retailer. Sellers who only sell tax exempt items (vegetables or fruits) are not required to have a sales tax permit.

**Special Events.** Special events are any events of a temporary nature which are held primarily for selling merchandise, items, or services. Special events include, but are not limited to:

- ❖ Antique shows;
- ❖ Art shows;
- ❖ Carnivals;
- ❖ Circuses;
- ❖ Conventions;
- ❖ Craft shows;
- ❖ Fairs;
- ❖ Farmer's markets;
- ❖ Flea markets;
- ❖ Garage sales, held at a location other than an individual's home;
- ❖ Gun shows;
- ❖ Swap meets; and
- ❖ Trade shows (auto, boat, home, and garden shows).

A religious organization may have one annual sale that is not taxed. See the [Nebraska Taxation of Nonprofit Organizations Information Guide](#) for more detailed information.

An educational institution may make certain sales without collecting tax to the general public or to the members of the institution. See the [Nebraska Taxation of Nonprofit Organizations Information Guide](#) for more detailed information.

Special events do not include garage or yard sales which may qualify as occasional sales (see [Reg-01-022](#) for more detailed information on occasional sales).

## **RESPONSIBILITIES OF THE PROMOTER OR OPERATOR OF SPECIAL EVENTS**

The promoter or operator of a special event must provide the Department with special event information and a list of all participating sellers.

The special event information must include:

- ❖ The dates of the special event;
- ❖ The name of the contact person for the promoter or operator; and
- ❖ The address and telephone number for the contact person.

The list of participating sellers must include:

- ❖ Name;
- ❖ Address;
- ❖ Phone number; and
- ❖ Nebraska Sales Tax ID Number, if available.

The list can be sent to the Department by faxing the information to 402-471-5929 Attn: Special Events, or by emailing the list to [rev.events@nebraska.gov](mailto:rev.events@nebraska.gov).

Let sellers know that a Department representative may attend the special event to ensure that they comply with all applicable sales tax laws.

Promoters or operators must do the following:

- ❖ Distribute all materials furnished by the Department to participating sellers;
- ❖ Provide sellers with the state, and any applicable local, sales tax rate for the event location on the dates of the event; and
- ❖ Collect sales tax on any admission fees charged to the public to enter the special event.

## **LICENSING REQUIREMENTS**

All promoters, operators, and resident sellers must have a Nebraska sales tax permit or obtain one by filing a [Nebraska Tax Application, Form 20](#). The filing frequency depends on the seller's sales volume and will be assigned by the Department based on the information provided on the Form 20.

The Nebraska sales tax permit may take two weeks to receive and will be mailed to the mailing address provided on the Form 20. This permit, or a copy of it, must be in the seller's possession at the special event.

Nonresident sellers should have an active Nebraska sales tax permit, or obtain one, by filing a Form 20. In certain situations, a one-time special event reporting form may be obtained from the Department. For information on the type of situations when this is allowed, contact the Department [rev.events@nebraska.gov](mailto:rev.events@nebraska.gov).

**Independent Consultants/Representatives Selling for a Direct Sales Company.** Direct sales companies that have a signed Distributor's Agreement with the Department are allowed to collect sales tax on behalf of their independent consultants/representatives (consultants). The direct sales company will obtain a sales tax permit, relieving each consultant from the **need for** their own sales tax permit and **having to file** sales tax returns. Direct sales companies will collect sales tax on purchases made through their consultants. The consultant should collect the Nebraska and any applicable local sales tax as a reimbursement for the tax they paid to the direct sales company.

The Department's website provides a list of companies that have signed [Distributors' Agreements](#). Any questions related to a consultant selling products for a direct sales company that is not found on this list should be directed to [rev.events@nebraska.gov](mailto:rev.events@nebraska.gov).

## COLLECTING AND REMITTING SALES TAX

Every seller at a special event must collect the state, and any applicable local, sales tax on all retail sales, unless the seller receives a properly completed [Nebraska Resale or Exempt Sale Certificate, Form 13](#), from the purchaser.

Sellers must remit the tax collected on a [Nebraska and Local Sales and Use Tax Return, Form 10](#). The Department encourages sellers to e-file and e-pay sales tax using the Department's [NebFile](#) system.

If the special event includes concessions, the concessionaire must have or obtain a Nebraska sales tax permit, and collect and remit the appropriate amount of sales tax (see [Nebraska Sales and Use Tax Guide for Prepared Foods Information Guide](#)).

## PENALTIES FOR NOT COMPLYING WITH SALES TAX LAWS

If a seller fails to obtain a Nebraska sales tax permit, or fails to file and remit the appropriate amount of sales tax, the Department representative may ask the seller to leave the premises. The Department may also prevent the seller from participating in future special events for not complying with Nebraska licensing and sales tax laws.

Any person who engages in business as a seller without the proper Nebraska sales tax permit (or following the revocation or suspension of a permit) may be found guilty of a Class IV misdemeanor upon conviction. Each day of operation without a permit represents a separate offense and subjects the seller to a fine of up to \$500 per day.

Any person who willfully fails to collect, report, or remit sales tax, or who in any manner evades taxes imposed under Nebraska's sales tax laws, may be found guilty of a Class IV felony upon conviction. This person may receive a maximum imprisonment of up to five years, or a fine of up to \$10,000, or both.

## RESOURCE LIST

### Information Guides

- ❖ [Nebraska Sales and Use Tax Guide on Delivery Charges](#)
- ❖ [Nebraska Sales and Use Tax Guide for Food, Food Ingredients, and Dietary Supplements](#)
- ❖ [Nebraska and Local Sales Tax](#)
- ❖ [Nebraska Taxation of Nonprofit Organizations](#)
- ❖ [Nebraska Sales and Use Tax Guide for Prepared Food](#)
- ❖ [Statutory Responsibilities for Collecting, Reporting, and Remitting Sales and Withholding Taxes](#)

## Nebraska Sales and Use Tax Regulations

- ❖ [Reg-1-005, Retailers and Sellers](#)
- ❖ [Reg-1-006, Retail Sale or Sale at Retail](#)
- ❖ [Reg-1-013, Sale for Resale - Resale Certificate](#)
- ❖ [Reg-1-022, Occasional Sales](#)
- ❖ [Reg-1-033, Transient and Itinerant Sellers](#)
- ❖ [Reg-1-091, Religious Organizations](#)

## Nebraska Statutes

- ❖ [Neb. Rev. Stat. § 77-2701.31, Retail sale or sale at retail, defined.](#)
- ❖ [Neb. Rev. Stat. § 77-2701.32, Retailer, defined.](#)
- ❖ [Neb. Rev. Stat. § 77-2701.36, Seller, defined.](#)
- ❖ [Neb. Rev. Stat. § 77-2705, Sales and use tax; retailer; registration; permit; form; revocation; restoration; appeal; exempt sale certificate; violations; penalty; wrongful disclosure; online registration system.](#)
- ❖ [Neb. Rev. Stat. § 77-2713, Sales and use tax; failure to collect; false return; violations; penalty; statute of limitations.](#)

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800-742-7474 (NE and IA), or 402-471-5729

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