



Georgia Department of Revenue
Policy Bulletin SUT-2022-01
College Park, East Point, and Hapeville MOSTs

Purpose: This Policy Bulletin provides guidance on the “water and sewer projects and costs tax” levied by the cities of College Park, East Point, and Hapeville. The tax is commonly referred to as the municipal option sales tax or MOST.

Publication Date: August 30, 2022.

Authority: O.C.G.A. § 48-2-7; O.C.G.A. Title 48, Chapter 8, Article 4; H.B. 160, Gen. Assem. Reg. Sess. (Ga. 2021); City of College Park Resolution No. 2022-11; City of East Point Resolution No. 169-022; City of Hapeville Resolution No. 2021-07.

Scope: A Policy Bulletin is intended to provide guidance to the public and to Department personnel. It is a written statement issued to apply principles of law to a specific set of facts or a general category of taxpayers, superseding all conflicting documents and oral directives previously issued by the Department. A Policy Bulletin does not have the force or effect of law and is not binding on the public. It is, however, the Department's position and is binding on agency personnel until superseded or modified by a change in statute, regulation, court decision, or subsequent Policy Bulletin.

Issues:

1. **Did the legislature recently authorize certain cities to levy a 1% MOST?**
2. **Which cities have elected to levy a 1% MOST pursuant to House Bill 160?**
3. **When will the College Park, East Point, and Hapeville MOSTs take effect?**
4. **Which transactions are subject to MOST?**
5. **How must dealers report sales and uses sourced to College Park, East Point, and Hapeville?**

Discussion of Issues:

1. **Did the legislature recently authorize certain cities to levy a 1% MOST?**

Yes. House Bill 160, as passed by the Georgia General Assembly in the 2021-2022 legislative session, authorized municipalities that are interconnected with a waste-

water system of a municipality that has an average water flow of no less than 85 million gallons per day to levy a MOST.¹

2. Which cities have elected to levy a 1% MOST pursuant to House Bill 160?

In special elections held in May of 2022, the cities of College Park, East Point, and Hapeville successfully passed referendums imposing a 1% MOST.

3. When will the College Park, East Point, and Hapeville MOSTs take effect?

Beginning October 1, 2022, taxable sales and uses sourced² to College Park, East Point, and Hapeville will be subject to the 1% MOST.

4. Which transactions are subject to MOST?

Taxable sales and uses sourced to College Park, East Point, and Hapeville will be subject to the 1% MOST, in addition to all other sales and use taxes levied within the county where the applicable city is located (either Fulton or Clayton). This includes sales made by dealers³ located inside and outside of College Park, East Point, and Hapeville, including dealers located outside of Georgia. Unless a specific exemption applies, MOST applies to sales and uses of tangible personal property and sales of taxable services, including but not limited to:

- the sale or use motor fuels as prepaid local tax as defined in O.C.G.A. § 48-8-2;
- the sale of food and food ingredients and alcoholic beverages as provided in O.C.G.A. § 48-8-3;
- the sale of natural or artificial gas used directly in the production of electricity, which is subsequently sold, notwithstanding paragraph (70) of O.C.G.A. § 48-8-3; and
- the furnishing for value to the public of any room or rooms, lodgings, or accommodations which is subject to taxation under Article 3 of Chapter 13 of this Title 48 of the Official Code of Georgia.

However, MOST does not apply to sales of motor vehicles.

5. How must dealers report sales and uses sourced to College Park, East Point, and Hapeville?

Beginning with return for the October 2022 period (due November 21, 2022), dealers must report sales and uses sourced to College Park, East Point, and Hapeville using the jurisdiction codes shown in the table below.

¹ To impose a MOST, a municipality must pass a resolution and hold a special election for the purpose of submitting the question of the imposition of the tax to the voters. If approved in the special election, the tax may be levied and imposed. See O.C.G.A. §§ 48-8-201 through 203.

² “Sourcing” refers to the rules used to determine which jurisdiction’s taxes apply to a transaction. In general, sales of tangible personal property are sourced to the local jurisdiction where the purchaser receives the property; sales of taxable services are sourced to the local jurisdiction where the service is provided; and uses are sourced to the local jurisdiction where property is first used. Specific sourcing rules are set forth in O.C.G.A. § 48-8-77. See also *C. W. Mathews Contracting Co. v. Collins*, 265 Ga. 448 (1994) (establishing sourcing at first use in a local jurisdiction).

³ “Dealer” is defined at O.C.G.A. § 48-8-2(8).

Fulton (Hapeville)	800
Fulton (College Park)	801
Fulton (East Point)	802
Clayton (College Park)	804

In addition, dealers must add a reporting code to the jurisdiction code when reporting certain sales, as shown below.

Fulton (Hapeville)	Sales and uses of Carrier Locomotive Fuel	800CLF
Fulton (Hapeville)	Energy sold to and used by manufacturers	800E
Fulton (Hapeville)	Sales and uses of jet fuel	800JT
Fulton (Hapeville)	Sales and uses of motor vehicles	800R
Fulton (Hapeville)	TSPLOST-exempt sales and uses	800TE
Fulton (College Park)	Sales and uses of Carrier Locomotive Fuel	801CLF
Fulton (College Park)	Energy sold to and used by manufacturers	801E
Fulton (College Park)	Sales and uses of jet fuel	801JT
Fulton (College Park)	Sales and uses of motor vehicles	801R
Fulton (College Park)	TSPLOST-exempt sales and uses	801TE
Fulton (East Point)	Sales and uses of Carrier Locomotive Fuel	802CLF
Fulton (East Point)	Energy sold to and used by manufacturers	802E
Fulton (East Point)	Sales and uses of jet fuel	802JT
Fulton (East Point)	Sales and uses of motor vehicles	802R
Fulton (East Point)	TSPLOST-exempt sales and uses	802TE
Clayton (College Park)	Sales and uses of Carrier Locomotive Fuel	804CLF
Clayton (College Park)	Energy sold to and used by manufacturers	804E
Clayton (College Park)	Sales and uses of jet fuel	804JT
Clayton (College Park)	Sales and uses of motor vehicles	804R

Also, beginning with return for the October 2022 period, sales and uses sourced to Fulton County outside of the boundaries of College Park, East Point, Hapeville, and Atlanta must be reported using jurisdiction code 060, and sales and uses sourced to Clayton County outside of the boundaries of College Park must be reported using jurisdiction code 031.

For up-to-date sales and use tax rates and jurisdiction reporting codes, please visit the [sales tax rate charts](#) on the [Department's website](#).

For more information, please contact the Department at 1-877-423-6711 from 8:00 a.m. to 5:00 p.m. ET, Monday through Friday, excluding holidays. For forms and other information, visit the Department's website at dor.georgia.gov.