

**RULES  
OF  
DEPARTMENT OF REVENUE  
SALES AND USE TAX DIVISION**

**CHAPTER 560-12-2  
SUBSTANTIVE RULES AND REGULATIONS**

**560-12-2-.21. Itemization of Tax**

(1) Each retailer must add all applicable sales and use taxes at the appropriate rate to the sales price unless he or she absorbs the tax in compliance with O.C.G.A. § 48-8-36 and paragraph (2) below. The retailer may add the tax to the sales price by either separately itemizing the sales price and the tax or including the tax in the total charge.

(a) Separately itemizing the sales price and the tax.

1. Example: Retailer sells a \$200.00 widget to a purchaser. The applicable sales tax rate is 7%. The retailer may separately itemize the \$200.00 sales price and \$14.00 tax, charging a total amount of \$214.00 to the customer and remitting \$14.00 in tax to the Department.

(b) Including the tax in the total charge.

1. Retailers desiring to include the sales tax in the total charge to the customer must provide written notification to each customer that the charge includes sales tax. The notice requirement in this subparagraph does not apply to sales made from a vending machine.

2. Example: Retailer sells a \$200.00 widget to a purchaser. The applicable sales tax rate is 7%. If the retailer provides written notification to the purchaser, the

retailer may include the tax in the total charge of \$214.00 and remit \$14.00 of tax to the Department.

**(2)** Tax absorption under O.C.G.A. § 48-8-36.

**(a)** No retailer engaged in making retail sales is permitted to advertise or represent to the public in any manner directly or indirectly that he or she will absorb all or any part of the taxes imposed by Chapter 8 of Title 48 or that he or she will relieve the purchaser of the payment of all or any part of such taxes, unless

1. the retailer includes in the advertisement that any portion of the tax not paid by the purchaser will be remitted on behalf of the purchaser by the retailer; and

2. the retailer furnishes the purchaser with written notification that the retailer will be liable for and pay any tax the purchaser was relieved from paying under this Rule.

**(b)** If a retailer advertises that any portion of the tax not paid by the purchaser will be remitted on the purchaser's behalf by the retailer, the retailer will be solely liable for and must pay that portion of the tax.

**(c)** Examples.

1. Retailer sells a \$200.00 widget to a purchaser. The applicable sales tax rate is 7%. If the retailer follows the tax absorption rules set forth in this paragraph (2) and the retailer charges a sales price of \$200.00 to the customer, the retailer must absorb the tax and remit \$14.00 in tax to the Department. The tax is calculated by multiplying the sales price of \$200.00 by the tax rate of .07.

2. Retailer sells a \$214.00 widget to a purchaser. The applicable sales tax rate is 7%. If the retailer follows the tax absorption rules set forth in this paragraph (2) and the retailer charges a sales price of \$214.00 to the customer, the retailer must absorb the tax and remit \$14.98 in tax to the Department. The tax is calculated by multiplying the sales price of \$214.00 by the tax rate of .07.

Authority: O.C.G.A. §§ 48-8-30, 48-8-35, 48-8-36, 48-2-7, 48-2-12.