

ALABAMA DEPARTMENT OF REVENUE - SALES AND USE TAX RULES
Code of Alabama 1975, Sections 40-23-31 and 40-23-83

810-6-5-.04.01. Reciprocity for Municipal and County Sales, Gross Receipts, Use, and Rental Taxes.

(1) The definition of the term “gross receipts tax in the nature of a sales tax” as used in this rule shall be the same as the definition contained in Section 40-2A-3(8), Code of Alabama 1975.

(2) If a sales tax, gross receipts tax in the nature of a sales tax, use tax, or rental tax levied by or on behalf of an Alabama municipality is paid under a requirement of law, the property which is the subject of the tax, when imported for use, storage, or consumption into another Alabama municipality, is not subject to the sales tax, use tax, or rental tax, regardless of rate, which is required by the second municipality under any municipal ordinance or any act of the Legislature. (Section 40-23-2.1(a), Code of Alabama 1975)

(3) If a sales tax, gross receipts tax in the nature of a sales tax, use tax, or rental tax levied by or on behalf of an Alabama county is paid under a requirement of law, the property which is the subject of the tax, when imported for use, storage, or consumption into another Alabama county, is not subject to the sales tax, use tax, or rental tax, regardless of rate, which is required by the second county under any county ordinance, resolution, or any act of the Legislature. (Section 40-23-2.1(b))

(4) Reciprocity for local sales tax, gross receipts tax in the nature of a sales tax, use tax, and rental tax applies on a “city to city” and “county to county” basis. Payment of a municipal sales, gross receipts, use, or rental tax will not preclude payment of a county sales, gross receipts, use, or rental tax nor will payment of a county sales, gross receipts, use, or rental tax preclude payment of a municipal sales, gross receipts, use, or rental tax. (Section 40-23-2.1(c))

(5) The reciprocity outlined in (2),(3), and (4) above applies to all municipalities and counties of the State of Alabama.

(6) When a county or municipal sales tax, gross receipts tax in the nature of a sales tax, use tax, or rental tax is paid to a county or municipality in good faith based on a reasonable interpretation of the ordinance, resolution, or act levying the tax but not under a requirement of law; any refund of the erroneously paid taxes to the taxpayer by the improper locality and any collection of the taxes due from the taxpayer by the proper locality shall be made in accordance with the provisions of Section 40-23-2.1(c) and, unless otherwise provided in Section 40-23-2.1(c), the provisions of Chapter 2A of Title 40. Petitions for refund of any portion of county or municipal tax erroneously paid to an improper county or municipality which is in excess of the correct amount of tax due the proper county or municipality shall be filed in accordance with the provisions contained in Section 40-2A-7(c) including, but not limited to, the requirement for joint petitions for refund when the tax erroneously paid by the seller was collected from the purchaser. (Section 40-23-2.1(c)) (Adopted February 23, 1988, amended October 20, 1998)