

REG-1-039, Promoting or Advertising that the Tax Is Absorbed Is Prohibited

039.01 Retailers are required to charge the consumer or user the full amount of the state and local sales tax. The retailer must collect the tax as an item separate and distinct from the selling price, except that:

039.01A The Tax Commissioner by regulation may permit retailers of certain classifications of property to include the tax imposed in the total sales price and state that the tax is included.

039.01A(1) Regulations which authorize retailers to include the tax in the total sales price of the property include: Reg-1-031, Coin-Operated Machines; Reg-1-040, Alcoholic Liquors Consumed on the Premises; Reg-1-044, Admissions; and Reg-1-083, Prepared Food and Beverage Service.

039.01A(2) Regulations which authorize these retailers to include the tax in the price of a specific type of property or service must be adopted prior to advertising that the tax is included in the sales price of the property.

039.01B Public utilities furnishing sewer, water, electricity, and gas may elect to absorb the tax, remit the amount of tax based upon the total charges made to taxable consumers, and include a statement on the bill to the effect that the tax has been absorbed by the utility. (See Reg-1-066, Sewer and Water; and Reg-1-089, Energy Source Utility Exemption)

039.02 Unless authorized by regulation, it is a Class IV misdemeanor for a retailer, directly or indirectly, to assert, promote, advertise, imply, or represent to the public in any manner that the tax or any part of the tax will be assumed, absorbed, or refunded by the retailer, or that it will not be added to the purchase price.

039.03 The following are examples of prohibited statements that cannot be included in any advertising or other promotional communication:

039.03A Tax-free sale;

039.03B Pay no sales tax;

039.03C Purchases will be discounted by the amount of the sales tax;

039.03D Sales tax stimulus sale;

039.03E We will pay your sales tax; and

039.03F Tax credit sale.

(Neb. Rev. Stat. §§ 77-2701.16, 77-2703(1)(b) and (c), and 77-2713(5). June 24, 2017.)