

CHAPTER Rev 700 MEALS AND RENTALS TAX

PART Rev 701 DEFINITIONS

Readopt with amendment Rev 701.01 and Rev 701.02, effective 11-7-14 (Document #10714), to read as follows:

Rev 701.01 "Catering business" means a food service enterprise or a person engaged, as part of their ordinary course of business, in providing taxable meals at fixed, or various locations other than at a restaurant licensed under RSA 78-A:4 owned or operated by the catering business including, but not limited to:

- (a) Special events;
- (b) Banquets;
- (c) Receptions;
- (d) Picnics;
- (e) Bazaars;
- (f) Fairs;
- (g) Field days;
- (h) Outings;
- (i) Barbecues;
- (j) Mobile catering or vending trucks;
- (k) Cafeterias;
- (l) Private homes;
- (m) Concerts; or
- (n) Races.

Rev 701.02 "Charge" means full consideration received, valued in money, whether received in money or otherwise, including all receipts, cash, credits, debits, subsidies, and property, or services of any kind or nature.

Readopt and renumber Rev 701.04, effective 11-7-14 (Document #10714), as Rev 701.03 to read as follows:

Rev 701.03 "Department" means the New Hampshire department of revenue administration.

Readopt and renumber Rev 701.05, effective 7-25-20 (Document #13077), as Rev 701.04 to read as follows:

Rev 701.04 "Educational purposes" means "educational purposes" as defined in RSA 78-A:6-c, II(d).

Readopt and renumber Rev 701.07, effective 7-25-20 (Document #13077), as Rev 701.05 to read as follows:

Rev 701.05 "Food products" means "food products" as defined in RSA 78-A:3, IV. The term includes, but is not limited to, food or beverages commonly sold by weight, liquid or dry measure, count, or in unopened original containers in a retail food store, unless sold in a manner commonly considered a meal, such as on a plate, platter, or an arrangement, or otherwise packaged as a meal.

Readopt with amendment and renumber Rev 701.09, effective 11-7-14 (Document #10714), as Rev 701.06 to read as follows:

Rev 701.06 "Furnishings and accommodations" means the personal property or facilities used or provided for use in conjunction with the renting of sleeping accommodations, such as but not limited to, the use of:

- (a) Pools, beaches, or other sites associated with swimming or boating;
- (b) In-room television or radio;
- (c) Equipment associated with exercise, health, or athletic activities; or
- (d) Restaurants, lounges, or other facilities providing any forms of entertainment.

Readopt and renumber Rev 701.10, effective 7-25-20 (Document #13077), as Rev 701.07 to read as follows:

Rev 701.07 "Hotel" means "hotel" as defined in RSA 78-A:3, VII. This term includes an adult summer or recreational camp which offers sleeping accommodations to the general public.

Readopt and renumber Rev 701.11, effective 11-7-14 (Document #10714), as Rev 701.08 to read as follows:

Rev 701.08 "Institution" means a federal, state, or county prison, reformatory, or mental hospital having confined residents unless the context indicates otherwise.

Readopt with amendment and renumber Rev 701.12, effective 7-25-20 (Document #13077), as Rev 701.09 to read as follows:

Rev 701.09 "Meal" means "meal" as defined in RSA 78-A:3, VIII and:

(a) Includes, but is not limited to:

- (1) Sandwiches of all kinds whether or not wholly packaged off the premises;
- (2) Beverages, poured, fountain type, or in unsealed containers, including, but not limited to, alcoholic, malt, or vinous beverages;
- (3) Prepared foods or food products sold in a manner commonly considered a meal, such as on a plate or otherwise packaged as a meal;
- (4) Food items from salad bars and buffets;
- (5) Snacks prepared for immediate consumption that are not wholly packaged off the premises, such as, but not limited to, baked goods sold in units of less than 6, except as provided in Rev 702.15(b), fresh popped popcorn, or ice cream novelties;
- (6) Platters or arrangements, including, but not limited to:
 - a. Vegetable;
 - b. Meat;
 - c. Dessert;
 - d. Bakery;
 - e. Fruit; or
 - f. Hors d'oeuvres; and
- (7) Prepared, ready-to-eat food or beverages whether or not heated or cooled to a preferred temperature; and

(b) Does not include:

- (1) Food or food products, except sandwiches, wholly packaged off the premises and sold in their original unopened containers, including, but not limited to, items such as:
 - a. Chips;
 - b. Crackers;

- c. Pastries;
- d. Candy;
- e. Gum;
- f. Breath mints;
- g. Cough drops;
- h. Antacid lozenges; or
- i. Energy or granola bars;

(2) Canned, bottled, or otherwise prepackaged, ready-to-drink beverages wholly packaged off the premises and sold in their original unopened containers, including, but not limited to, such items as:

- a. Carbonated beverages;
- b. Fruit drinks;
- c. Fruit juices;
- d. Milks;
- e. Coffee drinks;
- f. Energy drinks; or
- g. Alcoholic beverages;

(3) Food products sold by a store;

(4) Prepackaged, ready-to-eat refrigerated, or frozen desserts, or novelties wholly packaged off the premises and sold in their original containers, such as, but not limited to, ice cream or frozen yogurt in:

- a. Cups;
- b. Cones; and
- c. Sticks;

(5) Frozen food or beverages not intended for consumption in a frozen state; or

(6) Baked goods when sold in units of 6 or more for off-premises consumption, including any variety of items totaling 6 or more servings, such as, but not limited to, 2 bagels, 3 muffins, and one danish, or one whole pie, cake, or loaf of bread.

Readopt with amendment and renumber Rev 701.13 and Rev 701.14, effective 7-25-20 (Document #13077), as Rev 701.10 and Rev 701.11 to read as follows:

Rev 701.10 "Nonprofit organization" means nonprofit organization" as defined in RSA 78-A:3, X.

Rev 701.11 "Occupant" means "occupant" as defined in RSA 78-A:3, XII. This term includes a person who pays for sleeping accommodations even though they do not use them.

Readopt with amendment and renumber Rev 701.15, effective 8-12-22 (Document #13432), as Rev 701.12 to read as follows:

Rev 701.12 "Operator" means "operator" as defined in RSA 78-A:3, XIII. This term includes a person:

- (a) Offering sleeping accommodations for rent to the general public, including owners of private homes who offer sleeping accommodations for rent to the general public;
- (b) Charging for a taxable meal;
- (c) Offering a motor vehicle to a renter under a rental agreement that is subject to the tax;
- (d) Who acts in the capacity of an agent, whether as lessee, sublessee, mortgagee, licensee, or otherwise, for an owner in renting sleeping accommodations or a motor vehicle or providing taxable meals; or
- (e) Who is a rental facilitator or room facilitator.

Readopt and renumber Rev 701.16, effective 7-25-20 (Document #13077), as Rev 701.13 to read as follows:

Rev 701.13 "Person" means "person" as defined in RSA 78-A:3, XVI.

Readopt with amendment and renumber Rev 701.18, effective 7-25-20 (Document #13077), as Rev 701.14 to read as follows:

Rev 701.14 "Qualified educational organization" means an organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code and operates for educational purposes.

Readopt and renumber Rev 701.19, effective 8-12-22 (Document #13432), as Rev 701.15 to read as follows:

Rev 701.15 “Rent” means “rent” as defined in RSA 78-A:3, XVII. This term includes:

- (a) Any amount for which an occupant is liable as a result of occupancy without any deductions;
- (b) Any and all charges for services or furnishings and accommodations customarily and ordinarily furnished by a hotel to occupants; and
- (c) Any fee, services, or other charge required to be paid by the occupant to a room facilitator, except that the term rent shall not include amounts paid by an operator to a travel agent as commission or compensation for the travel agent’s services.

Readopt with amendment and renumber Rev 701.20 through Rev 701.22, effective 7-25-20 (Document #13077), as Rev 701.16 through Rev 701.18 to read as follows:

Rev 701.16 "Restaurant" means “restaurant” as defined in RSA 78-A:3, XX. This term also:

(a) Includes installations of a permanent or temporary nature which are used for providing meals, such as, but not limited to:

- (1) Tables;
- (2) Counters;
- (3) Bars;
- (4) Concession stands;
- (5) Booths at fairs or festivals, parks, or other locations;
- (6) Food trucks;
- (7) Street carts;
- (8) Fairs and festivals where the price of admission entitles the purchaser to food or beverages, or both, including alcoholic beverages; or
- (9) Other similar facilities where meals are served; and

(b) Does not include any portion of a store that is not a restaurant portion as defined in Rev 701.17.

Rev 701.17 “Restaurant portion” means “restaurant portion” as defined in RSA 78-A:3, XXI.

Rev 701.18 "School" means "school" as defined in RSA 78-A:3, XXII. This term includes any qualified educational organization whether public or private, provided its earnings do not inure to the benefit of any individuals.

Readopt and renumber Rev 701.23, effective 8-12-22 (Document #13432), as Rev 701.19 to read as follows:

Rev 701.19 "Seasonal business" means a business which operates and receives taxable receipts on a regular basis only during a particular season of the year, for a period of less than 12 months.

Readopt and renumber Rev 701.24 and Rev 701.25, effective 7-25-20 (Document #13077), as Rev 701.20 and Rev 701.21 to read as follows:

Rev 701.20 "Services" as referenced in the definition of "occupancy" in RSA 78-A:3, XI means:

(a) Services customarily and ordinarily related to the occupancy and use of sleeping accommodations and facilities, such as, but not limited to:

- (1) Maid and porter;
- (2) Towel and linen;
- (3) Doorman, bellhop, and concierge;
- (4) Elevator;
- (5) Electrical; or
- (6) Cable; and

(b) Does not include services not customarily and ordinarily related to the occupancy and use of sleeping accommodations and facilities when a separately stated charge is made, including, but not limited to:

- (1) Parking;
- (2) Telephone connection fees and charges;
- (3) Secretarial or commercial assistance;
- (4) Purchase of theater, sports, or amusement tickets; or
- (5) Parcel checking and delivery.

Rev 701.21 “Short-term rental” means “short-term rental” as defined in RSA 78-A:3, XXIII. The term does not include the rental of any room in a bed and breakfast, inn, or motel.

Readopt and renumber Rev 701.26, effective 10-23-19 (Document #12907), as Rev 701.22 to read as follows:

Rev 701.22 “Signature” means a signature as provided in Rev 2904.04 or an electronic signature as provided in Rev 2904.05.

Readopt and renumber Rev 701.27, effective 11-7-14 (Document #10714), as Rev 701.23 to read as follows:

Rev 701.23 "Sleeping accommodation" means any space at a hotel for which a charge is made and which provides items such as, but not limited to:

- (a) Beds;
- (b) Cots;
- (c) Mattresses;
- (d) Bunks;
- (e) Bedding; or

(f) Any other furnishing or item commonly associated with the provision of space for sleeping or rest.

Readopt and renumber Rev 701.271 and Rev 701.28, effective 7-25-20 (Document #13077), as Rev 701.24 and Rev 701.25 to read as follows:

Rev 701.24 “Store” means “store” as defined in RSA 78-A:3, XXIV.

Rev 701.25 "Taxable meal" means "taxable meal" as defined in RSA 78-A:3, XXV.

Readopt and renumber Rev 701.29, effective 11-17-14 (Document #10714), as Rev 701.26 to read as follows:

Rev 701.26 "Taxpayer identification number" means:

- (a) Social Security number;
- (b) Federal employer identification number;
- (c) Individual taxpayer identification number;

(d) Preparer tax identification number; or

(e) Department identification number.

Readopt and renumber Rev 701.31, effective 7-15-20 (Document #13077), as Rev 701.27 to read as follows:

Rev 701.27 "Wholly packaged off the premises", as referenced in RSA 78-A:3, VIII, means packaged in a sealed, unopened original container off the restaurant premises.

PART Rev 702 COMPUTATION OF TAXABLE MEALS

Readopt with amendment Rev 702.01, effective 11-7-14 (Document #10714), to read as follows:

Rev 702.01 Inclusive Tax Calculation. When the tax is included in the price of taxable meals, as referenced in RSA 78-A:7, I(a), the tax shall be equal to 7.834% of such charge.

Readopt and renumber Rev 702.011, effective 7-25-20 (Document #13077), as Rev 702.02 to read as follows:

Rev 702.02 Food Products.

(a) Food products sold by a restaurant, including a restaurant portion within a store, shall not be taxable unless sold in a manner:

(1) Other than the same manner in which they are commonly sold in a retail food store; or

(2) Commonly considered a meal, such as on a plate or otherwise packaged as a meal.

(b) Food products sold by a store shall not be taxable.

Readopt with amendment and renumber Rev 702.012, effective 7-25-20 (Document #13077), as Rev 702.03 to read as follows:

Rev 702.03 Restaurant and Store Sales.

(a) An establishment that is primarily engaged in the business of providing meals for which a charge is made shall be a restaurant as defined in Rev 701.16, regardless of whether the establishment uses a term such as, but not limited to, store, bakery, delicatessen, convenience store, or market in its name.

(b) An establishment that is not primarily engaged in the business of providing meals shall be a store as defined in Rev 701.24, regardless of whether the establishment sells meals.

(c) A store that sells meals shall be a store with a restaurant portion as defined in Rev 701.17, except as provided in Rev 702.15(c).

(d) Meals sold by a restaurant, including a restaurant portion within a store, shall be taxable.

(e) Food products shall not be taxable unless sold by a restaurant, including a restaurant portion within a store, in a manner provided in Rev 702.02(a).

Readopt with amendment and renumber Rev 702.02, effective 11-7-14 (Document #10714), as Rev 702.04 to read as follows:

Rev 702.04 Taxable Meals by Non-Profit Organizations Other Than Qualified Educational Organizations.

(a) Meals prepared and sold by a non-profit organization other than a qualified educational organization, which is required to obtain a liquor license from the New Hampshire liquor commission, other than one-day licenses pursuant to RSA 178:22, V(l) for 3 or fewer days per year, shall be subject to tax:

- (1) With or without the sale of alcoholic beverages; and
- (2) Regardless of the purchaser, including but not limited to employees, members, officers, donors, and guests.

(b) Meals purchased by non-profit organizations other than qualified educational organizations shall be subject to tax except sales for resale as provided in Rev 702.16.

Readopt with amendment and renumber Rev 702.03 through Rev 702.05, effective 7-25-20 (Document #13077), as Rev 702.05 through Rev 702.07 to read as follows:

Rev 702.05 Non-taxable Meals by Nonprofit Organizations Other Than Qualified Educational Organizations.

(a) With the exception of Rev 702.04(a), meals prepared and sold by a nonprofit organization other than a qualified educational organization shall not be subject to tax if:

- (1) The meals are prepared and sold in furtherance of any of the nonprofit organization's purposes for which it was organized; and
- (2) The net proceeds of the meals sold are used exclusively for the purposes of the nonprofit organization.

(b) Meals provided on the premises of a nonprofit organization operated exclusively for religious or charitable purposes shall not be subject to tax if:

- (1) The meals are provided in furtherance of any of the nonprofit organization's purposes for which it was organized; and
- (2) The net proceeds of the meals sold are used exclusively for the purposes of the nonprofit organization.

Rev 702.06 Taxable Meals by Qualified Educational Organizations.

(a) Meals provided by a qualified educational organization to students by an operator other than the qualified educational organization, which is not under contract with such organization, shall be subject to tax, including, but not be limited to:

- (1) Meals delivered to students on or off school premises; and
- (2) Meals served to students for social functions on or off school premises.

(b) Meals provided by a qualified educational organization or an agent under contract with such organization to any individual or group on school premises for a non-educational purpose shall be subject to tax.

(c) Meals provided by a qualified educational organization or an agent under contract with such organization to employees, faculty members, or administrative officers, of such organization shall be subject to tax if the meals are provided at a location where meals are offered to the general public on a regular and continuous basis without regard to an activity which is related to educational purposes.

Rev 702.07 Non-Taxable Meals by Qualified Educational Organizations.

(a) Meals provided on or off premises by a qualified educational organization or an agent under contract with such organization to students regularly attending the organization in conjunction with educational purposes, shall not be subject to tax.

(b) Meals provided by a qualified educational organization or an agent under contract with such organization to employees, faculty members, administrative officers, or to any non-student organization shall not be subject to tax provided the meal is served in a facility not open to the general public.

(c) Meals provided on or off premises by a qualified educational organization or an agent under contract with such organization to volunteers providing service to the organization, sponsored through the organization, or in contract with the organization shall not be subject to tax.

(d) Meals provided by a qualified educational organization or an agent under contract with such organization to any individual or group on school premises shall not be subject to tax provided the activity in relation to the meals:

(1) Is related to educational purposes, such as but not limited to:

- a. Adult education;
- b. Professional continuing education; and
- c. Alumni, student, or athletic functions or events; and

(2) Is sponsored by:

- a. An organization exempt from federal income taxation under section 501(c) of the Internal Revenue Code; or
- b. The federal or state government or an instrumentality thereof.

Readopt with amendment and renumber Rev 702.06 and Rev 702.07, effective 11-7-14 (Document #10714), as Rev 702.08 and Rev 702.09 to read as follows:

Rev 702.08 Charges by a Catering Business.

(a) All items, products, or services customarily associated with the preparation or service of a taxable meal shall be taxable when provided by a catering business even when a separate charge is made.

(b) The items referred to in (a), above, shall include, but not be limited to:

- (1) All dishes of every kind including china;
- (2) Flatware;
- (3) Silverware;
- (4) Glassware such as, but not limited to:
 - a. Stemmed glasses;
 - b. Coffee cups and saucers;
 - c. Mugs;
 - d. Pilsners;

e. Rocks glasses; and

f. Crystal;

- (5) Linens;
- (6) Napkins;
- (7) Paper products;
- (8) Bar set-ups;
- (9) Tables or chairs provided by the operator;
- (10) Sterno ovens; or
- (11) Heating or refrigeration equipment.

(c) The cost of alcoholic beverages provided by a catering business shall be taxable even when prepaid by the customer.

(d) The cost of preparation and service personnel shall be taxable except when it is unrelated to the taxable meal, such as but not limited to, valet parking, photography, or the charge meets the non-taxable auxiliary requirements outlined in Rev 702.18.

(e) Items, such as tent rentals or decorations, not customarily associated with the preparation and service of a taxable meal that are optional and separately stated, shall not be taxable.

(f) Any charges included in the price of the meal shall not be allocated as nontaxable items after the event.

Rev 702.09 Meals Furnished by an Operator to Employees. Meals furnished by an operator to its employee for which the employee is required to pay a charge, either by the cost being withheld from the employee's wages or by actual payment, shall be subject to tax based on the amount deducted or paid by the employee.

Readopt and renumber Rev 702.08, effective 7-25-20 (Document #13077), as Rev 702.10 to read as follows:

Rev 702.10 Meals at Hospitals and Medical Facilities. Meals sold on the premises of a hospital licensed under RSA 151, or of a convalescent home, nursing home, or home for the aged, shall be subject to tax unless such meals are:

- (a) Provided to patients or employees; or

(b) Provided by a nonprofit organization as provided in RSA 78-A:6-c, I or VII.

Readopt with amendment and renumber Rev 702.09, effective 11-7-14 (Document #10714), as Rev 702.11 to read as follows:

Rev 702.11 Meals at Institutions. Meals served or furnished on the premises of, and to the inmates, residents, or employees of, institutions, as defined in Rev 701.08, shall not be subject to tax.

Readopt and renumber Rev 702.10, effective 8-12-17 (Document #12366), as Rev 702.12 to read as follows:

Rev 702.12 Meals to State and Federal Government.

(a) When an instrumentality of the state of New Hampshire, a New Hampshire county or municipality, or the federal government enters into a contract with an operator to provide meals, such meals shall not be taxable if:

(1) The charge is:

- a. An ordinary and necessary expense of that governmental instrumentality and the activity does not constitute entertainment, amusement, or recreation; and
- b. Incidental to the governmental instrumentality's statutorily authorized duties; and

(2) The charge is paid for with one of the following:

- a. A check from the treasurer, state of New Hampshire;
- b. A check from the U.S. Treasury;
- c. A check from a New Hampshire county or municipality treasurer; or
- d. A U.S. government or state of New Hampshire issued credit card in the employee's name where the charge is paid directly by the government or state and not by employee reimbursement.

(b) Meals incurred by foreign officials and government offices possessing a valid diplomatic tax exemption card issued by the United States Department of State or the American Institute of Taiwan shall not be taxable if authorized on the back of the card.

(c) Nothing herein shall be construed to grant a tax exemption to individuals, even when they present certificates claiming exemptions, for any charges:

- (1) Incurred outside of the individuals' capacity as agents for the governmental unit;
or
- (2) Paid for from a per diem allowance given to the individual by the governmental unit.

Readopt and renumber Rev 702.11, effective 8-12-22 (Document #13432), as Rev 702.13 to read as follows:

Rev 702.13 Meals with Free Coupons, Discounts, Gift Certificates, Complementary Sales, and Other Promotional Items.

(a) When an operator gives a free promotional coupon, gift certificate, or other document for no consideration, and the document is redeemed, the tax shall be computed on the actual amount paid for the taxable meal, excluding the face value of the coupon or the amount discounted. See Appendix II for example.

(b) All supporting source documents, such as, but not limited to, cash register tapes and guest checks, shall show the tax calculation, unless tax is included in the charge made for the meal.

(c) Donated meals, including meals in exchange for gift certificates, and complementary meals shall not be taxable, provided no consideration was given for the meals.

(d) Barter transactions, such as, but not limited to, meals exchanged for advertising, shall be taxable to the extent of the usual and customary charge for such taxable meal exchanged.

(e) When a meal is purchased with nutrition assistance benefits issued under federal law pursuant to a program that prohibits the assessment of a state tax on items purchased, it shall not be taxable to the extent of the part of the meal purchased with nutrition assistance benefits.

Readopt with amendment and renumber Rev 702.12, effective 11-7-14 (Document #10714), as Rev 702.14 to read as follows:

Rev 702.14 Meals with Purchased Coupons, Gift Certificates, and Meal Tickets.

(a) Coupons, gift certificates, or other documents purchased for the purpose of future redemption for value shall not be taxable when purchased.

(b) When purchased coupons or gift certificates are redeemed:

- (1) The portion of the charge attributable to taxable meals shall be taxable to the customer; and

(2) The tax shall be applied on a basis equivalent to sales made with traditional payment methods without regard to the original purchase price of the coupon, gift certificate, or other document.

(c) If the taxable meal has no stated value, such as, but not limited to, a meal ticket sold for redemption of a fixed number of cafeteria-style dinners, the meal ticket, or other document shall be taxed at the time of purchase for the actual amount paid for the ticket.

Readopt and renumber Rev 702.13, effective 7-25-20 (Document #13077), as Rev 702.15 to read as follows:

Rev 702.15 Bakery Sales.

(a) For purposes of this section, a “bakery” means an establishment that is engaged in the business of selling baked goods.

(b) When a bakery sells only baked goods intended for off-premises consumption, the baked goods sold by the bakery shall not be taxable, regardless of the number sold.

(c) When a bakery sells food items commonly sold by restaurants, such as, but not limited to, taxable beverages, sandwiches, or baked goods intended for consumption on the premises, the entire bakery shall be considered a restaurant as defined in RSA 78-A:3, XX.

(d) The sale of baked goods by a bakery that is a restaurant as provided in (c) above shall be taxable except when sold in units of 6 or more for off-premises consumption.

(e) Baked goods in units of 6 or more shall include any variety of items totaling 6 or more servings, such as, but not limited to, 2 donuts, 3 cookies, and one brownie, or a whole pie, cake, or loaf of bread.

(f) The method or location of payment shall not affect the taxability of a product.

Readopt and renumber Rev 702.14, effective 11-7-14 (Document #10714), as amended effective 7-25-20 (Document #13077), as Rev 702.16 to read as follows:

Rev 702.16 Sales For Resale. Operators providing meals for resale shall not be responsible for collecting the tax provided that:

(a) The sale is to another operator and the seller's documentation indicates the purchaser's meals and rentals tax license number;

(b) The sale is to a non-profit organization for resale in accordance with RSA 78-A:6-c, I;
or

(c) The operator clearly states on the invoice that the tax has not been collected and its collection shall be the responsibility of the purchaser.

Readopt with amendment and renumber Rev 702.15 and Rev 702.16, effective 11-7-14 (Document #10714), as Rev 702.17 and Rev 702.18 to read as follows:

Rev 702.17 Meal Delivery Service Businesses.

(a) A meal delivery service business shall be an operator for purposes of the meals and rentals tax if:

(1) The consumer purchases a taxable meal directly from the meal delivery service business; and

(2) The price paid by the consumer to the meal delivery service business for the meal includes its purchase and delivery to the consumer.

(b) In instances where the meal delivery service business is a meals and rental tax operator, the meals sold by a restaurant to the meal delivery service business shall be sales for resale as defined in Rev 702.16.

(c) In instances where a meal delivery service business provides a delivery service to a restaurant for a fee, and such fee is separately stated to the consumer, the restaurant shall be responsible for the collection of the meals and rentals tax from the consumer on the cost of the meal.

Rev 702.18 Non-Taxable Auxiliary Charges.

(a) Items, exclusive of gratuities, not customarily associated with the preparation and service of a taxable meal, such as, but not limited to, service charges or management fees, shall not be taxable if:

(1) It is possible to purchase the taxable meal without the additional charge; and

(2) The charges are not for items, products, or services customarily associated with the preparation or services of a taxable meal.

(b) The operator shall establish a system of control and accounting pursuant to RSA 78-A:19 and Rev 708.01 for non-taxable auxiliary charges which:

(1) Correctly and accurately reflects the actual charges made;

(2) Separately accounts for such non-taxable charges from other taxable receipts in the books and records of the operator; and

(3) Allocates the taxable and non-taxable charges as if the charges had been made separately in an arm's length transaction.

(c) If, through the setting of taxable and non-taxable charges, the proper tax has not been reported, then the department shall assess the tax liability pursuant to RSA 78-A:11.

Readopt and renumber Rev 702.17, effective 11-7-14 (Document #10714), as amended effective 7-25-20 (Document #13077), as Rev 702.19 to read as follows:

Rev 702.19 Admission Charges.

(a) Admission charges collected by an operator shall not be taxable if:

- (1) The charge is paid for admission only;
- (2) The charge does not entitle the purchaser to any food or beverages, including alcoholic beverages, whether or not free or discounted meals; and
- (3) The amount of the admission charge is separately stated on the contract or receipt.

(b) Free or discounted products routinely available when an admission charge is not made, shall not make an admission charge taxable.

PART Rev 703 COMPUTATION OF TAXABLE RENT

Readopt with amendment Rev 703.01, effective 11-7-14 (Document #10714), to read as follows:

Rev 703.01 Inclusive Tax Calculation. When the tax is included in the price of taxable occupancies, as referenced in RSA 78-A:7, I(a), the tax shall be equal to 7.834% of such charge.

Readopt with amendment Rev 703.02 and Rev 703.03, effective 11-7-14 (Document #10714), to read as follows:

Rev 703.02 Taxation of Rent.

(a) Property for which taxable rent shall be received includes any type of shelter that provides sleeping accommodations such as, but not limited to, furnished:

- (1) Houses;
- (2) Cottages;
- (3) Apartments;
- (4) Camps or lodges of any kind;
- (5) Chalets;

(6) Rooms; or

(7) Dormitories.

(b) Rents received for locations at a hotel, including, but not limited to, a convention hall, dining room, store, office, outdoor grounds, or any other space shall be taxable unless the requirements of permanent residency under Rev 703.04, are met.

(c) Rooms furnished by an operator to the operator's employees as part of their compensation for employment shall not be taxable.

(d) Hotel rooms furnished by an operator to its employees who receive a fixed salary or wages and for which the employee is required to pay a charge, either by the cost being withheld from their wages or by actual payment, shall be subject to tax based on the amount deducted or paid by the employee.

(e) The charge for rent for occupancy in any summer camp operated for children shall:

(1) Not be taxable if operated exclusively for children whether such occupancy be that of a child, parent, guardian, or an employee; and

(2) Be taxable if sleeping accommodations are open to the public but only to the extent of the rent received from the public who are not children enrolled in the camp, their parents, or camp employees.

(f) Rent paid by a student shall:

(1) Not be taxable for any occupancy necessitated by the student's attendance at a school, no part of the earnings of which inure to the benefit of any individual; and

(2) Be subject to tax if a student rents a room temporarily for the student or a guest to attend a social, athletic, or other non-educational function.

(g) The rent received by non-profit organizations shall be subject to tax if sleeping accommodations are available to the public.

(h) A hotel owned by a non-profit organization, at which a person may rent a room in the same manner as a commercial hotel, shall collect the appropriate tax on the rent received.

(i) Members of a non-profit organization staying at a hotel that is open to the public shall be subject to tax.

Rev 703.03 Camping Areas.

(a) A camping area providing only tent or trailer sites shall not be subject to tax.

(b) If, in a camping area, there is available for rent a building or other structure, including a tent, which provides sleeping accommodations such sleeping accommodations shall be subject to tax.

(c) The charge for the use of a camping or travel trailer or similar equipment rented from an agent, dealer, or other person shall:

(1) Not be taxable as rent for sleeping accommodations when rented for the purpose of being transported from place to place by a motor vehicle for camping; and

(2) Be taxable when it is not moved over the road but is used for sleeping accommodations at the place where rented.

Readopt with amendment Rev 703.04, effective 8-22-17 (Document #12366), as amended effective 10-23-19 (Document #12907), and as amended effective 7-25-20 (Document #13077), to read as follows:

Rev 703.04 Computation of Permanent Residency.

(a) In determining whether or not a person is a permanent resident, as defined in RSA 78-A: 3, XV, computation of the period of occupancy shall begin with the first day such person occupies or had the right to occupy any room in a hotel.

(b) If the period during which the accommodations are to be rented is not known, or anticipated to be less than 185 consecutive days, the tax shall be collected when the rent is paid.

(c) If there is a signed lease, or any other similar document, between the operator and the occupant for a period of 185 or more consecutive days, the operator shall not be required to collect tax from the occupant. If the occupancy does not continue for 185 or more consecutive days, the operator shall be responsible for the payment of the tax on the total amount of rent paid.

(d) The operator shall refund to the occupant any tax collected prior to the 185th day if the rental period continues for 185 or more consecutive days.

(e) If any portion of such tax has been remitted to the department, it shall be returned to the operator through the issuance of a notice of credit or refund to the operator upon written request by the operator, in conformity with (f) and (g) below, received within the statute of limitations provided in RSA 21-J:29, I(b), pursuant to RSA 21-J:28-a.

(f) The request in (e) above shall be submitted to:

New Hampshire Department of Revenue Administration
Taxpayer Services Division
PO Box 3306
Concord, NH, 03302-3306.

(g) The request pursuant to (e), above, shall include:

(1) Verification that the tax has been refunded to the occupant, such as but not limited to:

- a. Copies of both sides of the canceled check; or
- b. A signed statement from the tenant attesting to the refund received; and

(2) Proof of the period of occupancy which documents the beginning date of occupancy through the date permanent residency was achieved, such as, but not limited to:

- a. Copies of the original signed lease, or any other similar document, between the operator and the occupant with any amendments made to the original agreement; or
- b. Copies of the original folios showing the actual tax charged and collected.

(h) The operator shall continue to retain the original documentation relating to permanent residents in accordance with the provisions of Rev 708.

(i) The operator may use the credit issued pursuant to (e), above, to reduce the operator's liability on any return filed subsequent to the receipt of the notice of credit by the operator.

Readopt with amendment Rev 703.05 through Rev 703.08, effective 11-7-14 (Document #10714), to read as follows:

Rev 703.05 Non-Taxable Auxiliary Charges.

(a) Items, exclusive of gratuities, not customarily associated with a taxable room shall not be taxable if:

- (1) It is possible to purchase the taxable room without the additional charge; and
- (2) The charges are not for items, products, or services customarily associated with the taxable room.

(b) The operator shall establish a system of control and accounting pursuant to RSA 78-A:19 and Rev 708.01 for non-taxable auxiliary charges which:

- (1) Correctly and accurately reflects the actual charges made;
- (2) Separately accounts for such non-taxable charges from other taxable receipts in the books and records of the operator; and

(3) Allocates the taxable and non-taxable charges as if the charges had been made separately in an arm's length transaction.

(c) If, through the setting of taxable and non-taxable charges, the proper tax has not been reported, then the department shall assess the tax liability pursuant to RSA 78-A:11.

Rev 703.06 Admission Charges.

(a) Admission charges collected by an operator shall not be taxable if:

(1) The charge is made for admission only; and

(2) The charge does not include any free or discounted meals, rooms, or both.

(b) Free or discounted products, routinely available when an admission charge is not made, shall not make an admission charge taxable.

Rev 703.07 Rooms with Free Coupons, Discounts, Gift Certificates, Complementary Sales, and Other Free Promotional Items.

(a) When an operator gives a free coupon, discount, gift certificate, or other free promotional item document for no consideration, and the document is redeemed, the tax shall be computed on the actual amount paid for the taxable room, excluding the face value of the coupon or the amount discounted.

(b) All supporting source documents, such as, but not limited to, cash register tapes, guest checks, and registration cards, shall show the tax calculation, unless tax is included in the charge made for the meal or room.

(c) Donated goods and services, including coupons, discounts, gift certificates, sleeping accommodations, complementary sales, or other donated promotional items shall not be taxable, provided no consideration was given for the goods and services.

(d) Barter transactions, such as, but not limited to, rooms exchanged for advertising, shall be taxable to the extent of the usual and customary charge for such taxable room rental exchanged.

Rev 703.08 Purchased Coupons and Gift Certificates for Rooms.

(a) Coupons, gift certificates, or other documents purchased for the purpose of future redemption for value, products, or services shall not be taxable when purchased.

(b) When purchased coupons or gift certificates are redeemed:

(1) The portion of the charge attributable to taxable rooms shall be taxable to the customer; and

(2) The tax shall be applied on a basis equivalent to sales made with traditional payment methods without regard to the original purchase price of the coupon or gift certificate.

(c) If the taxable room has no stated value, the coupon, gift certificate, or other document shall be taxed at the time of purchase for the actual amount paid for the coupon, gift certificate, or other document.

Readopt Rev 703.09, effective 8-22-17 (Document #12366), to read as follows:

Rev 703.09 Rooms to State and Federal Government.

(a) When an instrumentality of the state of New Hampshire, a New Hampshire county or municipality, or the federal government enters into a contract with an operator to provide rooms or rentals, such items shall not be taxable if:

(1) The charge is:

a. An ordinary and necessary expense of that governmental instrumentality and the activity does not constitute entertainment, amusement, or recreation; and

b. Incidental to the governmental instrumentality's statutorily authorized duties; and

(2) The charge is paid for with one of the following:

a. A check from the treasurer, state of New Hampshire;

b. A check from the U.S. Treasury;

c. A check from a New Hampshire county or municipality treasurer; or

d. A U.S. government or state of New Hampshire issued credit card in the employee's name where the charge is paid directly by the government or state and not by employee reimbursement.

(b) Rooms or rentals charges incurred by foreign officials and government offices possessing a valid diplomatic tax exemption card issued by the United States Department of State or the American Institute of Taiwan shall not be taxable if authorized on the back of the card.

(c) Nothing herein shall be construed to grant a tax exemption to individuals, even when they present certificates claiming exemptions, for any charges:

- (1) Incurred outside of the individuals' capacity as agents for the governmental unit;
or
- (2) Paid for from a per diem allowance given to the individual by the governmental unit.

Readopt Rev 703.10, effective 8-12-22 (Document #13432), to read as follows:

Rev 703.10 Room Facilitator.

(a) The full retail price charged for occupancy shall be subject to tax, including any fee, service, or other charge required to be paid by the occupant to a room facilitator.

(b) Amounts paid by an operator to a travel agent as commission or compensation for the travel agent's services shall not be subject to tax.

PART Rev 704 MOTOR VEHICLE RENTALS

Readopt with amendment Rev 704.01, effective 8-12-22 (Document #13432), to read as follows:

Rev 704.01 Taxable Rental Receipts.

(a) Motor vehicle rentals shall be taxed upon the gross rental receipts including charges for items such as, but not limited to:

- (1) Excess mileage;
- (2) Drop-off fees;
- (3) Under-age surcharges;
- (4) Second driver fees; or
- (5) Airport access fees.

(b) Gross rental receipts shall include, but not be limited to, the receipts for the rental, when a driver is not provided for the following vehicles:

- (1) A bus;
- (2) A taxi;
- (3) A recreational vehicle as defined in RSA 216-I:1, VIII; or

(4) A limousine.

(c) Gross rental receipts shall not include the receipts for the performance of a service by the owner of a motor vehicle or any rental facilitator when a motor vehicle is required in the performance of the service such as, but not limited to, services by:

(1) Taxi companies;

(2) Limousine companies;

(3) Bus companies; or

(4) Vehicles modified for the transportation of individuals with disabilities.

Readopt Rev 704.02, effective 11-7-14 (Document #10714), to read as follows:

Rev 704.02 Non-Taxable Charges.

(a) Non-taxable charges shall include:

(1) Cost added to the rental agreement for insurance coverage on the rented motor vehicle or its contents provided:

a. The amount is separately stated on the rental agreement; and

b. The coverage is offered through the owner of the vehicle;

(2) Amounts added to the rental agreement for damage occurring to the rented motor vehicle during the rental agreement period; and

(3) Cost of motor fuel added to the rental agreement when the fuel is sold by the owner of the motor vehicle and separately stated on the rental agreement.

(b) The operator shall establish a system of control and accounting pursuant to RSA 78-A:19 and Rev 708.01 for non-taxable charges which:

(1) Correctly and accurately reflects the actual charges made;

(2) Separately accounts for such non-taxable charges from other taxable receipts in the books and records of the operator; and

(3) Allocates the taxable and non-taxable charges as if the charges had been made separately in an arm's length transaction.

(c) If through the setting of taxable and non-taxable charges, the proper tax has not been reported, then the department shall assess the tax liability pursuant to RSA 78-A:11.

Readopt Rev 704.03, effective 12-21-16 (Document #11021), to read as follows:

Rev 704.03 Motor Vehicle Rentals to Foreign Missions. Motor vehicle rental charges incurred by foreign officials and government offices possessing a valid diplomatic tax exemption card issued by the United States Department of State or the American Institute of Taiwan shall not be taxable if authorized on the back of the card.

Readopt Rev 704.04, effective 8-22-17 (Document #12366), as amended effective 7-25-20 (Document #13077), to read as follows:Rev 704.04 Non-Taxable Rental Agreements.

(a) When measuring the length of a rental agreement for purposes of determining taxability pursuant to RSA 78-A:3, XVIII, computation of the rental period shall begin with the first day of the rental agreement whether or not possession of the rented motor vehicle has been taken, and:

- (1) If the motor vehicle rental period is not known, the tax shall be collected when the rent is paid;
- (2) When there is a signed rental agreement between the operator and the renter for:
 - a. More than 180 consecutive days, the operator shall not collect tax from the renter; or
 - b. Not more than 180 consecutive days, the operator shall collect and remit tax on the total amount of rent received;
- (3) If the rental period continues for more than 180 consecutive days:
 - a. Any tax collected prior to such time shall be refunded by the operator to the renter; and
 - b. Any portion of such tax that has been remitted to the state shall be returned to the operator through the issuance of a notice of credit or refund to the operator upon:

1. Written request by the operator to:

NH Department of Revenue Administration
 Audit Division
 PO Box 1388
 Concord, NH, 03302-1388; and

2. The request being received within the statute of limitations provided in RSA 21-J:29, I(b), pursuant to RSA 21-J:28-a;

(4) The request, pursuant to (a)(3)b., above, shall include:

a. Verification that the tax has been refunded to the renter such as, but not limited to:

1. Copies of both sides of the canceled check; or
2. A signed statement from the renter attesting to the refund received; and

b. Proof of the motor vehicle rental period that documents:

1. The beginning date of motor vehicle rental period through the 180th consecutive day, such as but not limited to:

(i) A copy of the original motor vehicle rental agreement; and

(ii) Any amendments to the original agreement;

(5) The operator shall continue to retain the original documentation relating to long term motor vehicle rentals in accordance with the provisions of Rev 708.01; and

(6) The operator may use the notice of credit issued pursuant to (3)b, above, to reduce the operator's liability in any return filed subsequent to the receipt of the notice of credit by the operation.

(b) A request for an exemption for vehicles modified for the transport of individuals with physical disabilities from the collection and payment of the tax imposed by RSA 78-A, shall:

(1) Be made in writing to the commissioner and mailed to:

New Hampshire Department of Revenue Administration
Taxpayer Services Division
PO Box 3306
Concord, NH 03302-3306; and

(2) Contain the following information:

a. The operator's taxpayer identification number;

b. The operator's meals and rentals tax license number; and

c. Proof that the motor vehicle that is the subject of the exemption request possesses modifications suitable for the transport of passengers with physical disabilities that require a wheelchair or other special adaptation, including:

1. The modified vehicle's vehicle identification number;
2. The date the vehicle modifications were made;
3. A complete description of vehicle modifications that were made; and
4. A copy of the registration(s) indicating the vehicle has been approved for use by persons with physical disabilities.

Readopt with amendment Rev 704.05 and Rev 704.06, effective 11-7-14 (Document #10714), to read as follows:

Rev 704.05 Motor Vehicle Rentals with Free Coupons, Discounts, Gift Certificates, Complimentary Sales, and Other Free Promotional Items.

(a) When an operator gives away a free coupon, discount, gift certificate, or other free promotional document for no consideration, and the document is redeemed, the tax shall be computed on the actual amount paid for the taxable motor vehicle rental, excluding the face value of the coupon or the amount discounted.

(b) All supporting source documents, such as, but not limited to, cash register tapes and motor vehicle rental agreements, shall show the tax calculation, unless tax is included in the charge made for the motor vehicle rental.

(c) Donated use of a motor vehicle, complimentary vehicle upgrades, or rentals shall not be taxable provided no consideration was given for the use of the vehicle or upgrade.

(d) Barter transactions, such as, but not limited to, motor vehicles exchanged for advertising, shall be taxable to the extent of the usual and customary charge for such taxable motor vehicle rental exchanged.

Rev 704.06 Purchased Coupons and Gift Certificates for Motor Vehicle Rentals.

(a) Coupons, gift certificates, or other documents purchased for the purpose of future redemption for motor vehicle rentals shall not be taxable when purchased.

(b) When purchased coupons or gift certificates are redeemed:

- (1) The portion of the charge attributable to rentals shall be taxable to the customer; and

(2) The tax shall be applied on a basis equivalent to sales made with traditional payment methods without regard to the original purchase price of the coupon, gift certificate, or other document.

(c) If the taxable motor vehicle rental has no stated value at the time of redemption, then the coupon, gift certificate, or other document shall be taxed at the time of purchase for the actual amount paid.

Readopt Rev 704.07, effective 8-12-22 (Document #13432), to read as follows:

Rev 704.07 Rental Facilitator.

(a) Gross rental receipts includes value received or promised as consideration to any rental facilitator for a rental agreement, including any fee, service, or other charge or amount required to be paid by the renter as a condition for the rental agreement.

(b) Gross rental receipts shall not include amounts paid by an operator to a travel agent as commission or compensation for the travel agent's services.

PART Rev 705 LICENSING AND RESPONSIBILITIES OF OPERATORS

Readopt Rev 705.01, effective 8-12-22 (Document #13432), to read as follows:

Rev 705.01 License Requirement.

(a) Every individual or entity intending to sell meals, rent rooms, rent motor vehicles, or act as a rental facilitator or room facilitator, shall apply for a meals and rentals tax license, as required by RSA 78-A:4, by:

(1) Completing and filing a "Meals and Rentals Tax License Application" with the department electronically, through the Granite Tax Connect web portal located at <https://gtc.revenue.nh.gov/>; or

(2) Completing and filing a paper Form CD-3, "Application for Meals and Rentals Tax Operator's License", available by:

- a. Accessing www.revenue.nh.gov;
- b. Calling the collections division at (603) 230-5900; or
- c. Writing to:

NH Department of Revenue Administration
Collections Division
109 Pleasant Street
PO Box 637

Concord, NH 03302-0637.

(b) Every individual or entity intending to sell meals, rent rooms, rent motor vehicles, or act as a rental facilitator or room facilitator shall be issued a license, applied for through (a) above, or with the department prior to the opening of business.

(c) A separate license shall be required for each business location of the operator.

(d) A catering business shall obtain:

(1) A separate operator's license for each fixed location where taxable meals are regularly served; and

(2) A single separate operator's license for the occasional serving of meals at various locations such as those listed in Rev 701.01.

(e) Mobile catering businesses and vending truck operators shall:

(1) Obtain a single operator's license covering the overall business rather than an individual operator's license for each mobile vending truck they operate;

(2) Display their operator's license number on the outside of each vehicle; and

(3) Display a reprint, provided by the department, of their license in each vehicle.

(f) Any person in the business of renting motor vehicles shall obtain a separate operator's license for each fixed location where vehicles are rented.

(g) A rental facilitator or room facilitator shall:

(1) Obtain a single operator's license covering all rental facilitator business, and a separate operator's license covering any room facilitator business; and

(2) Prominently and conspicuously display such operator's license numbers wherever such rental facilitator or room facilitator transactions are conducted.

(h) A meals and rentals tax operator's license shall not be transferable.

(i) A meals and rentals tax operator's license shall be posted in a conspicuous location for public view.

(j) Any advertisement for a short-term rental shall prominently and conspicuously display the operator's license number.

(k) An operator's failure to comply with the requirements specified in (i) or (j) above, after receiving a warning from the department, shall constitute sufficient cause for revocation, suspension, or denial of the operator's license.

Readopt with amendment Rev 705.02, effective 11-7-14 (Document #10714), as amended effective 10-23-19 (Document #12907), to read as follows:

Rev 705.02 License Expiration.

(a) All licenses shall expire on June 30 of each odd-numbered year or earlier upon the occurrence of at least one of the following:

- (1) The operator notifies the department that business operations have ceased by properly filing Form CD-100 pursuant to Rev 710.07;
- (2) The operator notifies the department that there has been a change in ownership of the license holder by properly filing Form CD-100 pursuant to Rev 710.07; or
- (3) The license was otherwise previously revoked.

(b) If a license has expired pursuant to (a) above, the operator shall immediately destroy the license.

Readopt with amendment Rev 705.03, effective 11-7-14 (Document #10714), to read as follows:

Rev 705.03 License Renewal. Licenses set to expire pursuant to Rev 705.02 shall be automatically renewed on the expiration date, unless the operator has:

(a) Notified the department that its business operations have ceased by properly filing Form CD-100 pursuant to Rev 710.07;

(b) Notified the department that there has been a change in ownership of the license holder by properly filing form CD-100 pursuant to Rev 710.07;

(c) Had its license previously revoked; or

(d) Unpaid tax, interest, and penalties from any tax administered by the department, in which case a hearing will be held to provide the licensee the opportunity to dispute whether taxes are owed and the amount due.

Readopt Rev 705.04, effective 11-7-14 (Document #10714), to read as follows:

Rev 705.04 Employee Cafeteria Operators. Employers operating cafeterias, where taxable meals are sold, shall obtain a meals and rentals tax operator's license.

Readopt with amendment and renumber Rev 705.07 through Rev 705.11, effective 11-7-14 (Document #10714), as Rev 705.05 through Rev 705.09 to read as follows:

Rev 705.05 Credit Card and In-House Charges. Operators who accept credit cards or in-house charges may demand and collect the tax imposed under RSA 78-A in cash at the time the bill is signed by the patron.

Rev 705.06 Non-Payments. An operator shall not be responsible, except as provided in Rev 705.08, for the remittance of any tax due as a result of non-collection of:

- (a) A dishonored check;
- (b) A credit card charge not honored by the issuing bank; or
- (c) Tax when a person leaves without paying.

Rev 705.07 Collection Agency Recoveries. An operator shall:

- (a) Be responsible for the payment of the tax collected from a person by a debt collection agency; and
- (b) Not deduct commissions or costs paid to the collection agency from the amount of taxes collected and remitted to the department.

Rev 705.08 Loss Due to Theft. An operator shall make remittance to the department for the amount collected even if the meals and rentals tax money is stolen from an operator.

Rev 705.09 Transfer of Customers to Another Operator.

- (a) When a hotel operator arranges for guests to be housed at another hotel, but collects the rent from such guests, the operator who arranges for the occupancies shall be responsible for the collection and remittance of the entire tax.
- (b) When a motor vehicle rental operator arranges for, or obtains a motor vehicle rental through another operator but collects the rent from such renters, the operator who arranges for the vehicles shall be responsible for the collection and remittance of the entire tax.

Readopt and renumber Rev 705.12, effective 7-25-20 (Document #13077), as Rev 705.10 to read as follows:

Rev 705.10 Surety Bonds.

- (a) If the department finds it necessary to require an operator to file a bond in order to protect the revenues collected by the operator as provided in RSA 78-A:8-b, the operator shall file such bond within 10 days.

(b) The bond shall be in an amount fixed to secure the payment of any tax, interest, or penalties due, or which is estimated to become due during a 6-month period, whichever is greater.

(c) To estimate the amount of tax, interest, or penalties to become due during a 6-month period, the department shall reference:

- (1) The amount of revenues collected by the operator in the prior year;
- (2) The amount of revenues collected by similar operators; and
- (3) Any other information available to assist the department in estimating the amount of taxes to become due in a 6-month period.

PART Rev 706 RETURNS AND ELECTRONIC FILING REQUIREMENTS

Readopt Rev 706.01, effective 10-23-19 (Document #12907), to read as follows:

Rev 706.01 Electronic Filing.

(a) In accordance with RSA 78-A:8, I and II, all operators may file meals and rentals tax returns electronically and remit taxes through an electronic funds transfer, as defined in Rev 2501.09.

(b) Pursuant to RSA 78-A:8, V, an operator that does not choose to file returns electronically shall forfeit the commission allowed under RSA 78-A:7, III, unless the operator had under \$25,000 in meals and rentals taxable revenue in the prior calendar year.

Readopt and renumber Rev 706.03, effective 11-7-14 (Document #10714), as Rev 706.02 to read as follows:

Rev 706.02 Permission to File Quarterly Returns.

(a) An operator may request permission from the department to file calendar quarterly meals and rentals tax returns for calendar quarters ending in March, June, September, and December.

(b) Such request shall:

- (1) Be made in writing to:

New Hampshire Department of Revenue Administration
Collections Division
PO Box 454
Concord, NH 03302-0454; and

(2) Certify:

- a. The business is an operational, year-round business;
- b. The business has been in operation for a full year prior to the request;
- c. The business is in full compliance with all provisions of RSA 78-A; and
- d. The average meals and rentals tax liability of the business is less than \$100.00 per month for the calendar quarter immediately preceding the submission of the request.

(c) Quarterly filing shall be granted provided the operator:

- (1) Meets the requirements in (b), above;
- (2) Has a history of timely filing and payment of tax; and
- (3) Has no outstanding tax liability at the time of the request.

(d) The due date, pursuant to RSA 78-A:8, III, of a quarterly filing shall be the 15th day of the month following the end of each calendar quarter, beginning with the first quarter after receipt of the department's approval.

(e) The operator shall commence monthly filings beginning with the first month of the next calendar quarter if, during any subsequent calendar quarter, the average tax liability exceeds \$100.00 per month.

Readopt and renumber Rev 706.04, effective 11-7-14 (Document #10714), as amended effective 10-23-19 (Document # 12907), as Rev 706.03 to read as follows:

Rev 706.03 Seasonal Operators.

(a) An operator seeking to file as a seasonal business shall request permission to make less than 12 monthly meals and rentals tax returns and remittances per year in writing to:

New Hampshire Department of Revenue Administration
Collections Division
PO Box 454
Concord, NH 03302-0454.

(b) Requests to file as a seasonal operator shall be granted by the department provided the operator has:

- (1) A history of timely filing and payment of tax; and

(2) No outstanding tax liability at the time of request.

(c) In the event that the status of a business changes from a seasonal business to a year-round operation, the operator shall notify the collections division, in writing, of such change by completing and filing Form CD-100 pursuant to Rev 710.07.

Readopt with amendment and renumber Rev 706.05 through Rev 706.07, effective 11-7-14 (Document #10714), as Rev 706.04 through Rev 706.06 to read as follows:

Rev 706.04 Consolidated Returns.

(a) Any operator who files 2 or more meals and rentals tax returns each month for a single legal entity may request, in writing, to enter into an agreement with the department to file on a consolidated basis.

(b) The request shall be:

(1) Accompanied by a statement signed and dated by the operator agreeing to the conditions described in (d) below; and

(2) Submitted to:

New Hampshire Department of Revenue Administration
Collections Division
PO Box 454
Concord, NH 03302-0454.

(c) The request shall include the following:

(1) Operator's designation of one license number to be the master license number;

(2) Business name and license number for each member; and

(3) Address for each member.

(d) An operator filing a consolidated return shall:

(1) Abide by the requirements contained in Rev 706;

(2) Notify the department, in writing, of any additions or deletions to the consolidated group within 10 days of any change;

(3) Continue to use the designated master license number unless written approval, pursuant to (e) below, has been granted by the department to change the designation;

- (4) Keep records readily available that show activity by month for each individual license;
 - (5) Permit the department to make all assessments against and collect from the master license number for any member of the consolidated group when the records required in (4), above, are not made available; and
 - (6) Resume filing separate meals and rentals tax returns for each license number when notified in writing, by the department that the operator failed to comply with the provisions of (1) through (5) above.
- (e) Provided the operator meets the requirements in (b), (c), and (d), above, permission shall be granted by the department for filing on a consolidated basis.
- (f) Interest, penalties, or both, allowed by RSA 21-J:31, RSA 21-J:33, RSA-J:33-a through 33-c, and RSA 78-A:11, I, shall be applied if either the consolidated return or the payment is delinquent.

Rev 706.05 Permission to File Returns Based on a Non-Calendar Month.

(a) Pursuant to RSA 78-A:9, II (a), for good cause shown, an operator may request permission to file returns at times other than those specified in RSA 78-A:8 if the operator's books and records are not kept on the basis of a calendar month. Good cause will be found if the criteria enumerated in Sections (b) and (c) below are met.

(b) Such request shall be made in writing to:

New Hampshire Department of Revenue Administration
 Audit Division
 PO Box 1388
 Concord, NH 03302-1388.

(c) An operator's request to file returns at times other than those specified in RSA 78-A:8 shall be granted provided the operator:

- (1) Has not requested to file less than 12 returns in a calendar year;
 - (2) Has a history of timely filing and payment of tax;
 - (3) Has no outstanding tax liability at the time of the request; and
 - (4) Provides written explanation as to why filing on a calendar month is a hardship.
- (d) An operator shall commence monthly filings based on the operator's accounting month with the first month following the operator's receipt of written approval from the

department and shall continue monthly filings based on the operator's accounting month until a change in filing period is requested.

Rev 706.06 Extension of Time for Filing Returns.

(a) An operator shall submit a written request for an extension of time to file a meals and rentals tax return by providing:

- (1) The operator's taxpayer identification number;
- (2) The operator's meals and rentals tax license number;
- (3) An explanation, with supporting documentation, of factors beyond the control of the operator that will create the delay in filing the meals and rentals tax return, if applicable; and
- (4) Payment of 100% of the meals and rentals tax determined to be due.

(b) The request shall be submitted, on or before the due date of the meals and rentals tax return, to:

New Hampshire Department of Revenue Administration
Collections Division
PO Box 454
Concord, NH 03302-0454

(c) Requests for extensions shall be denied by the department if:

- (1) The information required in (a)(1) through (a)(4), above is not complete;
- (2) The tax determined to be due has not been paid in full as required in (a)(5) above;
- (3) The request was not timely filed as required in (b) above; or
- (4) The delay factor(s) in (a)(3) above does not support that filing was beyond the operator's control.

(d) Upon receipt of a letter from the department granting the shortest extension of time practicable based on the operator's circumstances, the operator shall comply with the time limits specified therein.

Readopt with amendment and renumber Rev 706.08, effective 10-23-19 (Document #12907), as Rev 706.07 to read as follows:

Rev 706.07 Acceptable Tax Submission.

- (a) Every operator shall complete and file monthly meals and rentals tax returns.
- (b) All operators may complete and file returns and remit payment electronically pursuant to RSA 78-A:8, I and II in paper or by accessing the New Hampshire Granite Tax Connect (GTC) website.
- (c) A paper Form DP-14, “Meals and Rentals Tax Return”, shall be completed and filed by every operator that does not choose to file a return electronically.
- (d) An operator may obtain additional copies of Form DP-14 by:
- (1) Photocopying Form DP-14 provided in the meals and rentals tax booklet;
 - (2) Online at www.revenue.nh.gov;
 - (3) Calling the department’s forms line at (603) 230-5001; or
 - (4) Writing to:
- New Hampshire Department of Revenue Administration
Taxpayer Services Division
PO Box 637
Concord, NH 03302-0637.
- (e) All filed returns shall contain a signature by the operator or an authorized representative subject to the pains and penalties of perjury.

PART Rev 707 PAYMENT OF TAX

Readopt with amendment Rev 707.01 through Rev 707.03, effective 11-7-14 (Document #10714), to read as follows:

Rev 707.01 Mandated Payments. An operator ordered by the department to remit taxes collected at intervals determined by the department shall deposit all tax monies through an electronic funds transfer, as defined in Rev 2501.09, or as otherwise agreed by the department, to the department.

Rev 707.02 Conversion of State Funds. Taxes collected shall be the property of the state of New Hampshire and conversion of them to the use of the operator or any other person shall constitute an offense subject to criminal penalty as described in RSA 21-J:39.

Rev 707.03 Use of United States Currency.

- (a) The tax shall be calculated and imposed on the consumer using the US dollar as the appropriate currency.

(b) Operators shall remit all taxes collected to the department using the US dollar as the basis for calculating their liability.

(c) Operators shall not remit any foreign currency to the department in payment of their meals and rentals liability for tax, interest, or penalties.

Readopt Rev 707.04, effective 11-7-14 (Document #10714), as amended effective 10-23-19 (Document #12907), to read as follows:

Rev 707.04 Payment Procedures for Partial Payments.

(a) Electronic fund transfers for partial payments shall be applied in accordance with the provisions of Rev 2903.05.

(b) Electronic fund transfers for partial payments shall be debited to the operator's account under the following schedule:

- (1) Transfers on timely returns shall be debited on the next business day following the return due date pursuant to RSA 78-A:8, III; and
- (2) Transfers on late or amended returns shall be debited on the next business day following the submission.

Readopt Rev 707.05 and Rev 707.06, effective 11-7-14 (Document #10714), to read as follows:

Rev 707.05 Refusal to Pay Tax. If any person liable for tax imposed by RSA 78-A refuses to pay upon request, the operator shall promptly notify the department in writing that such an offense has occurred.

Rev 707.06 Over Collection of Tax by Operators.

(a) Operators over-collecting tax, by any method other than rounding, shall pay the tax over to the department unless verification such as, but not limited to, canceled checks is shown that the tax was returned to the person who originally paid the tax.

(b) Any portion of the tax in (a) above, that is remitted to the department shall be returned to the operator when:

- (1) Verification such as, but not limited to, canceled checks is shown that the tax was returned to the person who originally paid the tax; and
- (2) Documentation provided supports the original remission of the tax to the department.

PART Rev 708 ADMINISTRATION

Readopt with amendment Rev 708.01, effective 11-7-14 (Document #10714), as amended effective 10-23-19 (Document #12907), to read as follows:

Rev 708.01 Taxpayer Records and Information.

- (a) Under the authority of RSA 78-A:19, the following information shall be maintained:
- (1) Cash receipts;
 - (2) Sales;
 - (3) Cash disbursements;
 - (4) Purchases;
 - (5) General ledger;
 - (6) Payroll records;
 - (7) Complete cash register tapes including the summary and final register reading information;
 - (8) Guest checks, folios, and registration cards;
 - (9) Rental agreements and signed leases, or any other similar documents;
 - (10) Bank statements with all enclosures for all business and personal accounts;
 - (11) A printed copy or confirmation of each return filed electronically; and
 - (12) Any other source documents required to support entries in any accounting records.
- (b) The records enumerated in (a), above, may be in a worksheet format provided that such worksheets shall be the basis for the preparation of any financial statements and federal or state tax returns.
- (c) The records enumerated in (a), above, shall be clear and legible and include the dates they were created.
- (d) Every operator shall provide the commissioner, or the commissioner's authorized representatives with:
- (1) Records; and

(2) Access to key company personnel for interviews, upon request.

(e) If the department determines that the records maintained by the operator are not adequate for the purposes of making an accounting to the department for tax collection liability, it shall:

(1) Determine a tax liability based on any and all available records pursuant to RSA 78-A:11 including physical observation by department personnel of actual sales; and

(2) Deny the operator commission available under RSA 78-A:7, III.

(f) The operator shall maintain separate and distinct records that clearly define taxable versus non-taxable sales.

(g) If such separate records are not maintained, the department shall presume all receipts are taxable unless evidence is presented as to the purchase and sale of nontaxable items.

(h) Evidence, as required by (f), above, shall include:

(1) Vendor invoices showing the purchase price paid by the operator, for the nontaxable items purchased during the audit period;

(2) The beginning and ending inventory amounts for each nontaxable item sold; and

(3) Operator's pricing policies regarding the markup of purchase prices to arrive at the selling price.

(i) The sales value of the nontaxable items purchased and sold based on the evidence provided in (h), above, shall be deducted from the total gross receipts of the operator.

(j) Operators using computer systems capable of recreating, upon request, source documents such as, but not limited to, individual guest checks, sales invoices, rental agreements, leases, or registration cards shall not be required to maintain the original hard copy of the source document.

(k) Operators using computers incapable of recreating an individual transaction shall maintain the original hard copies.

Readopt with amendment Rev 708.02 and Rev 708.03, effective 11-7-14 (Document #10714), to read as follows:

Rev 708.02 Confidentiality of Department Records.

(a) All documents and information shall be confidential and shall only be disclosed in conformity with the provisions of RSA 21-J:14.

(b) The department shall only make a disclosure or allow a representative to act on behalf of the operator if:

- (1) A properly executed power of attorney Form DP-2848, is on file with the department;
- (2) The operator authorizes the specific disclosure or actions to be performed by the representative in a letter to the department that satisfies the requirements in Rev 2903.03; or
- (3) An authorized employee of the operator is physically present when such disclosure or action is occurring.

(c) For purposes of administering the tax laws of the state, as assigned by statute and pursuant to the federal social security act, 42 USCS sec. 405(c)(2)(C)(i), operators shall provide their taxpayer identification number on all tax returns and related documents.

(d) The person having been designated as the power of attorney shall make all records available.

Rev 708.03 Informal Pre-Assessment Conference.

(a) The purpose of an informal pre-assessment conference shall be to discuss the audit findings with the department's audit division in an effort to reach an agreement on the issues of facts, audit results, or both.

(b) At the conclusion of an audit when the facts and circumstances of the audit review indicate to the department that an informal pre-assessment conference would benefit both the state and the operator, the department's audit division shall provide an informal pre-assessment conference for the operator, or the operator's representative.

(c) The department's audit division shall notify the operator or the authorized representative by mail of:

- (1) The date, time, and location for the informal pre-assessment conference; and
- (2) The advance information that the operator or their authorized representative shall be required to provide the audit division.

(d) The information required by (c)(2), above, shall include:

- (1) The name, address, and taxpayer identification number of the operator;
- (2) An outline of the areas of agreement and disagreement;
- (3) Documentation in support of the operator's position such as, but not limited to:

- a. Citations of supporting case law;
- b. Statutory or regulatory provisions; and
- c. Documents or correspondence from unrelated parties;

(4) Responses to any outstanding questions raised by the department's auditor during the audit; and

(5) The names of the individuals who shall participate in the informal pre-assessment conference on behalf of the operator.

(e) Upon completing a review of material provided during the informal pre-assessment conference, the department's audit division shall determine the appropriate disposition of the audit or review, notification of which shall begin the period for formal appeal to the commissioner under RSA 21-J:28-b and Rev 200.

Readopt with amendment Rev 709, effective 11-7-14 (Document #10714), to read as follows:

PART Rev 709 APPLICATION OF PENALTIES

Rev 709.01 Substantial Understatement of Tax.

(a) The department shall assess the 25% penalty for understatement of tax provided by RSA 21-J:33-a on returns where the understatement exceeds the greater of 10% of the correct tax liability or \$5,000 unless the operator meets one of the following exceptions:

- (1) The operator adequately disclosed the relevant facts regarding the tax treatment of the item generating the understatement; or
- (2) The operator had substantial authority for its tax treatment of such item.

(b) An operator shall adequately disclose the tax treatment of an item on the return by filing, on or before the due date of the return, a written statement with:

New Hampshire Department of Revenue Administration
 Audit Division
 PO Box 1388
 Concord, NH 03302-1388

(c) The statement shall include:

- (1) The operator's meals and rentals license number;
- (2) The tax period affected;

- (3) A prominent caption identifying the statement as a disclosure of the tax treatment for the substantial underpayment penalty provided in RSA 21-J:33-a;
 - (4) The item, clearly identified, for which the disclosure is made;
 - (5) The dollar amount of the item; and
 - (6) A statement containing those facts affecting the tax treatment of the item that reasonably will apprise the department of the nature of the potential controversy or a concise description of the legal issues presented by the facts in question.
- (d) In determining whether an operator has substantial authority, the department shall consider the following as being authoritative sources:
- (1) For items applying specifically to the application of the meals and rentals tax:
 - a. Meals and rentals tax law and any other New Hampshire statutes that have a bearing on the tax statutes;
 - b. Department rules in effect during that tax period;
 - c. Declaratory rulings requested by and issued to the operator during that tax period for that item;
 - d. Technical information releases issued by the department;
 - e. Superior court and board of tax and land appeals decisions;
 - f. Federal District Court and First Circuit Court of Appeals decisions;
 - g. United States and New Hampshire supreme court decisions;
 - h. Legislative committee reports specifying legislative intent; and
 - i. Written advice from the department issued to the operator about the tax treatment of the item in question; and
 - (2) For items in arriving at gross receipts before any state required adjustments:
 - a. Internal Revenue Code and other statutory provisions;
 - b. Temporary and final U.S. Department of the Treasury regulations;
 - c. Federal or state court cases;

- d. Internal Revenue Service or U.S. Department of the Treasury administrative pronouncements including revenue rulings and revenue procedures;
- e. Tax treaties and related regulations, as well as the U.S. Department of the Treasury's or other U.S. government explanation of such treaties;
- f. Congressional intent as reflected in committee reports, joint explanatory statements of managers included in the conference committee reports and floor statements made by a bill's managers prior to enactment;
- g. Controlling precedent of the United States Court of Appeals to which the operator has a right of appeal;
- h. Technical advice memoranda, rulings, or determination letters issued by the Internal Revenue Service to the operator or in which the operator is named;
- i. An affirmative statement in an Internal Revenue Service revenue agent's report with respect to the operator's prior taxable periods; and
- j. Any other source which was accepted by the Internal Revenue Service as substantial authority.

(e) An operator shall have substantial authority for the tax treatment of an item only if the weight of the authorities supporting the treatment of the item by the operator is substantially in relation to the weight of the authorities supporting the position of the department.

(f) The following shall not be considered authoritative sources:

- (1) Opinions reached by tax professionals;
- (2) Tax publication opinions or narrative statements; and
- (3) Articles contained in any professional or tax periodicals.

(g) The existence of substantial authority for a particular item shall be determined as of the date the return containing the item was filed or as of the last day of the taxable period to which the return relates, whichever is later.

(h) The penalty shall be applied to the net understatement determined by reducing the understatement as defined in RSA 21-J:33-a, III by the portion of the understatement for which the operator had substantial authority or had adequately disclosed the position taken in the written statement provided for in (b).

Rev 709.02 Understatement of Taxpayer's Liability by Tax Preparer.

(a) For purposes of RSA 21-J:33-b, I, "substantial portion" means any instance where the efforts of the tax preparer have affected more than 25% of the operator's tax liability.

(b) An individual or company providing more than typing, reproducing, or other mechanical assistance shall be deemed to be a tax preparer when the individual or company uses computer software which makes determinations about the applicability of tax laws or the characterization of income and the allowability of deductions or credits.

(c) The penalty provided in RSA 21-J:33-b, III, shall be assessed when any part of an understatement of tax is the result of a tax preparer's willful neglect or intentional disregard of the statute or departmental rules unless the operator shall have adequately disclosed the tax treatment of an item on the return in a written statement as provided in Rev 709.01(b) and (c).

(d) The penalty provided in RSA 21-J:33-b, IV shall be applied when any part of an understatement of tax is the result of a preparer's willful attempt to understate the operator's tax liability.

(e) A tax preparer shall be deemed to have made a willful attempt to understate a tax liability of an operator by:

(1) Disregarding or misstating information furnished by the operator or other person in an attempt to wrongfully reduce the tax liability; or

(2) Not making inquiries of the operator or other person when the information provided is incorrect or incomplete, and the preparer knows or should have known that the information was incorrect or incomplete.

(f) If, in an adjudicative proceeding or a judicial decision it is established that there was no understatement of liability and if previously paid by the preparer, then the penalty imposed by RSA 21-J:33-b shall be abated and refunded.

(g) The refund of the penalty shall be made without any consideration of any period of limitation for the issuance of a refund.

(h) A tax preparer shall be deemed to have acted with willful neglect or intentional disregard when the preparer fails:

(1) To comply with a statutory provision as interpreted in an opinion of the New Hampshire supreme court;

(2) To comply with a department rule prescribing the appropriate tax treatment of an item contained in the meals and rentals tax return; or

(3) To follow pertinent statutes, rules, or court decisions that address the proper treatment of an item or issue.

Rev 709.03 Aiding and Abetting an Understatement of Tax Liability.

(a) The penalty provided in RSA 21-J:33-c shall be assessed against any person who aids, assists in, procures, or advises in the preparation of any return or other document in connection with the meals and rentals tax or departmental rules if:

- (1) The person knows that the information provided will be used in the preparation of any material document; and
- (2) The person knows that if used, the information will result in an understatement of tax liability.

(b) The penalty shall not be assessed in instances where the operator adequately disclosed the relevant facts regarding the tax treatment of the item in the manner provided in Rev 709.01(b) and (c).

(c) If in an adjudicative proceeding or a judicial decision it is established that there was no understatement of liability and if previously paid by the preparer, then the penalty imposed by RSA 21-J:33-c shall be abated and refunded.

(d) The refund of the penalty shall be made without any consideration of any period of limitation for the issuance of a refund.

PART Rev 710 MEALS AND RENTALS TAX FORMS

Readopt with amendment Rev 710.01 and Rev 710.02, effective 11-7-14 (Document #10714), to read as follows:

Rev 710.01 Availability of Forms. All forms may be obtained by:

- (a) Accessing the department's web site at www.revenue.nh.gov;
- (b) Calling the department's forms line at 603-230-5001;
- (c) Accessing the GTC website and filing the forms electronically; or
- (d) Writing to:

New Hampshire Department of Revenue Administration
 Taxpayer Services Division
 PO Box 637
 Concord, New Hampshire 03302-0637

Rev 710.02 Form DP-14 WS, Meals and Rentals Tax Worksheet. Form DP-14 WS, "Meals and Rentals Tax Worksheet", available in the publication of the New Hampshire meals and rentals tax booklet, which can be found at www.revenue.nh.gov, may be completed by

operators while preparing to file their meals and rental tax returns electronically through the GTC website.

Readopt with amendment Rev 710.03, effective 10-23-19 (Document #12907), to read as follows:

Rev 710.03 Form DP-14, Meals and Rentals Tax Return.

(a) Every operator that does not choose to file a meals and rentals tax return electronically shall complete and file a paper Form DP-14, "Meals and Rentals Tax Return", with the department as provided in Rev 706.07(c).

(b) A payment to the state of New Hampshire for the total due shall:

- (1) Accompany the return; or
- (2) Be made electronically.

(c) An operator shall maintain copies of all meals and rentals tax returns as filed for 3 years, including any electronic confirmations.

Readopt Rev 710.04, effective 10-23-19 (Document #12907), to read as follows:

Rev 710.04 Form CD-3, Application for Meals and Rentals Tax Operator's License.

(a) Every person seeking to serve taxable meals or rent rooms or motor vehicles shall complete and file a meals and rentals tax license application electronically or on paper Form CD-3, "Application for Meals and Rentals Tax Operator's License".

(b) A separate application shall be filed for each license required under Rev 705.01.

(c) If not filing electronically, the person applying shall submit Form CD-3 to:

New Hampshire Department of Revenue Administration
Collections Division
PO Box 454
Concord NH 03302-0454.

Readopt Rev 710.05, effective 11-7-14 (Document #10714), to read as follows:

Rev 710.05 Form AU-16, Consent Fixing Period of Limitation Upon Assessment or Refund of Tax.

(a) Form AU-16, "Consent Fixing Period of Limitation Upon Assessment or Refund of Tax", shall be used by the operator and the department to meet the requirements of RSA 21-J:29,

requiring an extension agreement in writing between the commissioner and the operator or their authorized representative, to preclude the loss of tax periods by the statute of limitations.

(b) The operator shall sign and date Form AU-16 or, if the operator is a corporation, the form shall be signed and dated by an officer duly authorized to sign tax returns.

(c) If the operator does not consent to the extension of time, the statement on Form AU-16 indicating the lack of consent shall be signed and the form returned as instructed in (d) below.

(d) The operator shall return Form AU-16 to the department's audit division before the expiration of the statute of limitations or within 30 days of the date on which the department requested the document, whichever is earlier.

Readopt with amendment Rev 710.06 and Rev 710.07, effective 11-7-14 (Document #10714), to read as follows:

Rev 710.06 Form CD-60, Meals and Rentals Tax Bond.

(a) An operator, ordered to provide a bond, or a bonding company acting on behalf of the operator, shall complete and file Form CD-60, "Meals and Rentals Tax Bond", or a facsimile, to provide the state with security for any tax, interest, or penalties due, or which might become due.

(b) Form CD-60 shall include statements setting forth the following conditions:

(1) The bond shall remain in full force and remain in effect for a period of one year unless terminated; and

(2) Should the bonding company at any time after the inception of the bond, terminate the bond:

a. A 60-day written notice from the bonding company shall be submitted to the commissioner; and

b. The bonding company shall continue to provide security against any liability occurring before the expiration of the 60-day period.

(c) The Form CD-60 shall be signed in ink, dated, and contain the seal of an official of the bonding company authorized to execute such documents or shall be issued by the bonding company in an electronic fashion as determined by the department of revenue administration.

(d) The suspension or revocation of the meals and rentals operator's license shall not cancel, suspend, nor otherwise impair any obligation of the bonding company under the bond.

(e) Bonding companies shall continue to provide security against any liability for 60 days from the date of written notification to the commissioner that the bonding company is terminating the bond prior to the expiration of the one year life of the bond.

Rev 710.07 Form CD-100, Meals and Rentals Request to Update or Change License.

(a) An operator shall complete and file a Form CD-100 “Meals & Rentals Request to Update or Change License” to:

- (1) Request a change or update to a license;
- (2) Notify the department that the operation has ceased; or
- (3) Notify the department of a change in the operator’s:
 - a. Contact person;
 - b. Business partners, members, officers, or persons in managerial capacity; or
 - c. Mailing address, email address, telephone number, or banking institution.

(b) An operator shall notify the department within 30 days of any of the changes listed in (a) above.

(c) The department shall consider the operator’s information on the most recently filed Form CD-3 “Application for Meals & Rentals Tax Operator’s License” or Form CD-100 to be the operator’s last known abode or last known business address required by RSA 78-A:15 for sufficient service in any license revocation, suspension, or renewal denial proceeding.

(d) It shall not be sufficient for an operator only to file a Form CD-100 to notify the department of a change of the business location. If an operator changes its business location, the operator shall file an application with the department for a new meals and rentals license for that new location and shall file Form CD-100 to notify the department of the new location which shall serve to cease the prior license.

APPENDIX I: STATE STATUTE IMPLEMENTED

Rule	Specific State Statute the Rule Implements
Rev 701.01	RSA 78-A:2, II; RSA 78-A:3, XX
Rev 701.02	RSA 78-A:2, II
Rev 701.03	RSA 78-A:2, II
Rev 701.04	RSA 78-A:2, II; RSA 78-A:6-c, II(d)
Rev 701.05	RSA 78-A:3, IV
Rev 701.06	RSA 78-A:2, II; RSA 78-A:3, XI
Rev 701.07	RSA 78-A:2, II; RSA 78-A:3, VII
Rev 701.08	RSA 78-A:2, II
Rev 701.09	RSA 78-A:2, II; RSA 78-A:3, VIII

Rev 701.10	RSA 78-A:2, II; RSA 78-A:3, X
Rev 701.11	RSA 78-A:2, II; RSA 78-A:3, XII
Rev 701.12	RSA 78-A:2, II; RSA 78-A:3, XIII
Rev 701.13	RSA 78-A:2, II; RSA 78-A:3, XVI
Rev 701.14	RSA 78-A:2, II; RSA 78-A:6-c, II
Rev 701.15	RSA 78-A:2, II; RSA 78-A:3, XVII
Rev 701.16	RSA 78-A:2, II; RSA 78-A:3, XX
Rev 701.17	RSA 78-A:2, II; RSA 78-A:3, XXI
Rev 701.18	RSA 78-A:2, II; RSA 78-A:3, XXII
Rev 701.19	RSA 78-A:2, II; RSA 78-A:9, II(b)
Rev 701.20	RSA 78-A:2, II; RSA 78-A:3, XI
Rev 701.21	RSA 78-A:2, II; RSA 78-A:3, XXIII
Rev 701.22	RSA 78-A:2, II
Rev 701.23	RSA 78-A:2, II
Rev 701.24	RSA 78-A:2, II; RSA 78-A:3, XXIV
Rev 701.25	RSA 78-A:2, II; RSA 78-A:3, XXV
Rev 701.26	RSA 78-A:2, II; RSA 21-J:27-a
Rev 701.27	RSA 78-A:2, II; RSA 78-A:3, VIII
Rev 702.01	RSA 78-A:2, II, RSA 78-A:3, XXV; RSA 78-A:6; RSA 78-A:7, I(a)
Rev 702.02	RSA 78-A:2, II; RSA 78-A:3, XXV; RSA 78-A:3, IV
Rev 702.03	RSA 78-A:2, II; RSA 78-A:3, IV and VIII
Rev 702.04	RSA 78-A:2, II; RSA 78-A:3, X; RSA 78-A:6-c, VII
Rev 702.05	RSA 78-A:2, II; RSA 78-A:6-c, I and VII
Rev 702.06 – Rev 702.07	RSA 78-A:2, II; RSA 78-A:6-c, II
Rev 702.08	RSA 78-A:2, II; RSA 78-A:3, XX
Rev 702.09	RSA 78-A:2, II; RSA 78-A:6-c, VIII
Rev 702.10	RSA 78-A:2, II; RSA 78-A:6-c, IV
Rev 702.11	RSA 78-A:6-c, III
Rev 702.12	RSA 21-J:13, I; RSA 78-A:2, II
Rev 702.13	RSA 78-A:2, II; RSA 78-A:6-c, X
Rev 702.14	RSA 78-A:2, II
Rev 702.15	RSA 78-A:2, II; RSA 78-A:3, VIII; RSA 78-A:3, XX
Rev 702.16	RSA 78-A:2, II; RSA 78-A:3 X; RSA 78-A: 6-c, I
Rev 702.17	RSA 78-A:2, II; RSA 78-A:3, VIII, RSA 78-A:3, XIII
Rev 702.18	RSA 78-A:6-b; RSA 78-A:11; RSA 78-A:19
Rev 702.19	RSA 78-A:2, II; RSA 78-A:6-b, III
Rev 703.01	RSA 78-A:6, I; RSA 78-A:6; RSA 78-A:7, I(a)
Rev 703.02	RSA 78-A:3, VII; RSA 78-A:3, XIII; RSA 78-A:6-d
Rev 703.03	RSA 78-A:3VII
Rev 703.04	RSA 78-A:2, II; RSA 78-A:3, XV
Rev 703.05	RSA 78-A:2, II; RSA 78-A:6-b; RSA 78-A:19; RSA 78-A:11
Rev 703.06	RSA 78-A:2, II; RSA 78-A:6-b, III
Rev 703.07 – Rev 703.09	RSA 78-A:2, II
Rev 703.10	RSA 78-A:3, XIX-a; RSA 78-A:3, XVII
Rev 704.01	RSA 78-A:2, II; RSA 78-A:6, II-a; RSA 78-A:3, VI
Rev 704.02	RSA 78-A:2, II; RSA 78-A:11; RSA 78-A:19; RSA 78-A:3, VI

Rev 704.03	RSA 78-A:2, II
Rev 704.04	RSA 21-J:13, I; RSA 78-A:2, II; RSA 78-A:3, XVIII
Rev 704.05 – Rev 704.06	RSA 78-A:2, II; RSA 78-A:3, VI
Rev 704.07	RSA 78-A:3, VI; RSA 78-A:3, XIII; RSA 78-A:3, XVIII-a.
Rev 705.01	RSA 78-A:2, II; RSA 78-A:4; RSA 78-A:4-a
Rev 705.02	RSA 78-A:4, I
Rev 705.03	RSA 78-A: 4, I; RSA 78-A:4; RSA 78-A:4, IV
Rev 705.04	RSA 78-A:2, II; RSA 78-A:4
Rev 705.05	RSA 78-A:2, II; RSA 78-A:8
Rev 705.06	RSA 78-A:2, II; RSA 78-A:8, II
Rev 705.07 – Rev 705.09	RSA 78-A:2, II
Rev 705.10	RSA 78-A:2, II; RSA 78-A:8-b
Rev 706.01	RSA 78-A:2, II; RSA 78-A:8, I; RSA 78-A:8, IV; RSA 78-A:8, V
Rev 706.02 – Rev 706.06	RSA 78-A:2, II; RSA 78-A:8; RSA 78-A:9
Rev 706.07	RSA 78-A:2, II; RSA 78-A:8
Rev 707.01	RSA 78-A:2, II; RSA 78-A:7, II; RSA 78-A:8, II; RSA 78-A:9, I
Rev 707.02	RSA 21-J:39; RSA 78-A:7, II
Rev 707.03	RSA 78-A:2, II
Rev 707.04	RSA 78-A:2, II; RSA 78-A:8
Rev 707.05	RSA 78-A:2, II; RSA 78-A:7, I
Rev 707.06	RSA 78-A:2, II
Rev 708.01	RSA 78-A:11, RSA 78-A:19
Rev 708.02	RSA 78-A:2, II; RSA 21-J:14
Rev 708.03	RSA 78-A:2, II; RSA 21-J:28-b
Rev 709.01	RSA 78-A:2, II; RSA 21-J:33-a
Rev 709.02	RSA 78-A:2, II; RSA 21-J:33-b
Rev 709.03	RSA 78-A:2, II; RSA 21-J:33-c
Rev 710.01	RSA 78-A:2, II
Rev 710.02	RSA 78-A:8
Rev 710.03	RSA 78-A:2, II; RSA 78-A:8; RSA 78-A:19
Rev 710.04	RSA 78-A:2, II; RSA 78-A:4
Rev 710.05	RSA 78-A:2, II; RSA 21-J:29
Rev 710.06	RSA 78-A:2, II; RSA 78-A:8-b
Rev 710.07	RSA 78-A:2, II; RSA 78-A:4; RSA 78-A:15, II

APPENDIX II: TAX DUE COMPUTATION EXAMPLE IN REV 703.13(a)

2 for 1	20% Discount
\$10.00 Dinner	\$10.00 Dinner
<u>\$10.00 2nd Dinner</u>	<u>(\$2.00) discount</u>
\$20.00 Total Meals	\$8.00 Total Meal
<u>(\$10.00) Free Dinner</u>	.68 tax at 8.5%
\$10.00 Total	\$8.68 Total Paid

.85 tax at 8.5%
\$10.85 Amount Paid

Tax Due = \$.85

Tax Due = \$.68