

## 560-12-1-.07 Casual Sale.

(1) Invoking the rule of de minimis and because of the difficulties of administration and enforcement, no sales or use tax liability will be enforced against either the sellers or the purchaser in a casual sale transaction as herein defined, except as hereinafter provided.

(2) A "casual sale transaction" is:

(a) A sale in which the tangible personal property involved was not acquired or held by the seller for use in the operation of his business or for resale; or

(b) A sale of tangible personal property acquired or held by the seller for use in the operation of his business (not acquired or held for resale) if the total selling price of such sale and all such sales made during the calendar month of such sale and the preceding eleven calendar months does not exceed \$500; or

(c) A sale of tangible personal property acquired or held by the seller for use in the operation of his business (not acquired or held for resale) if such sale is made in a complete and bona fide liquidation of a business of the seller. For purposes of this paragraph the term "business" means a separate place of business subject to registration under the Act; the term "a complete and bona fide liquidation" means the sale of all the assets of such business conducted over a period of time not exceeding thirty days from the date of the first sale of such assets, or a longer time if approved by the Commissioner as a bona fide liquidation.

(3) Notwithstanding any other provision of these regulations, when any seller sells tangible personal property for use or consumption through an agent, broker or other person who is regularly engaged in making sales of tangible personal property, either as a principal or as an agent, then, such a sale will not be deemed a casual sale transaction.

(4) Notwithstanding any other provision of these regulations, if a sale is made by an individual who is employed by or associated with another person who is regularly engaged in the business of selling the same type of tangible personal property involved in such sale, then, such transaction will not be deemed a casual sale transaction and such individual shall register and comply with the obligations and liabilities of a dealer under the Act.

Authority Ga. L. 1937-38, Extra Sess., p. 77, et seq., as amended (Ga. Code Ann., Secs. 92-8405, 8406, 8409, 8427); Ga. L. 1951, pp. 360, 385 (Ga. Code Ann., Sec. 92-3438a); O.C.G.A. Secs. 48-2-12, 42-8-30, 48-8-49. **History.** Original Rule entitled "Casual Sale" was filed and effective on June 30, 1965. **Repealed:** New Rule of same title adopted. F. Jun. 11, 1992; eff. Jul. 1, 1992. **Repealed:** New Rule, same title, adopted. F. Sept 21, 1993; eff. Oct. 11, 1993.