

Use Tax In New Jersey

Publication ANJ-7

What is Use Tax?

The New Jersey Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq.) provides for use tax to be imposed when taxable goods and services are purchased for use in New Jersey but sales tax was not collected by the retailer in the state of purchase or was collected at a rate less than the New Jersey sales tax rate.

When sales tax is not collected at the time of purchase or is collected at a rate less than the current New Jersey sales tax rate of 7%, the purchaser is liable for **use tax** to New Jersey.

Imposition of Use Tax

Examples of when use tax is due:

- Taxable goods and services are purchased out of State for use in New Jersey and no sales tax is collected. The purchaser owes use tax.
- Taxable goods and services are purchased out of State for use in New Jersey and sales tax is collected at a lower rate than New Jersey's. The purchaser owes use tax. See *Reciprocity* below.
- Items of inventory that were purchased tax-free with a resale certificate are used by the purchaser (e.g., are given away as part of a promotion). The purchaser owes use tax.

Reciprocity

Out-of-State Purchases Received Outside New Jersey. When taxable goods and services are purchased and received in another state and sales tax is paid to that state, New Jersey will allow a credit against the use tax due, provided that the other state allows a similar credit for sales tax paid to New Jersey. If the sales tax rate in a reciprocating state is equal to, or greater than, New Jersey's 7% tax rate, no use tax is due.

If the sales tax rate in the state where the purchase is made is less than New Jersey's, use tax is due at the rate of 7%. However, if the other state has sales tax reciprocity with New Jersey, a credit for the sales tax paid there is allowed against the use tax due. For example, if the out-of-State purchase was for \$100 and the sales tax rate was 4%, the purchaser paid \$4 in sales tax. The New Jersey use tax is \$7 ($7\% \times \100), less a credit for the \$4 already paid, for a use tax due of \$3.

Out-of-State Purchases Delivered to New Jersey. When taxable goods and services are purchased in another state and delivered to New Jersey for use in New Jersey, no credit is allowed for sales tax paid to the other state. Use tax is due at the rate of 7% of the purchase price, including delivery charges.

Purchases Made in a Foreign Country. When taxable goods and services are purchased in a foreign country, no credit is allowed for sales tax paid to the foreign country, regardless of whether the purchaser takes possession of the items there or has them delivered to New Jersey. Use tax is due at the rate of 7% of the purchase price, including delivery charges.

Registered Businesses

When taxable tangible personal property or digital property is purchased from an out-of-State business and the buyer takes possession of it in New Jersey, the seller will collect New Jersey sales tax if registered to do business in this State. In that case, no use tax is due. On the other hand, an out-of-State business that is not registered in New Jersey cannot legally collect New Jersey sales tax. If taxable merchandise is purchased from an out-of-State business that does not charge New Jersey sales tax, it does not mean that tax isn't due, but rather that the seller is not authorized to collect it. In such instances, the purchaser is required to remit use tax directly to New Jersey.

**Remitting
Use Tax**

Use tax can be reported and remitted on several different forms.

Individuals. Individual taxpayers report and remit any use tax due on Form ST-18 (see next page) within 20 days after property is brought into New Jersey or on their New Jersey Resident Income Tax Return, Form NJ-1040.

Businesses. Sellers and those nonsellers who file monthly and/or quarterly sales and use tax returns with New Jersey report and remit use tax on Forms ST-50 and ST-51. Certain nonseller businesses, if qualified, are authorized to report and remit use tax using the Annual Business Use Tax Return (Form ST-18B). For more information on filing Forms ST-50, ST-51, and ST-18B see Tax Topic Bulletin S&U-7, *Filing Sales and Use Tax Returns*.

**Self-Audit
Programs**

From time to time the Division of Taxation conducts Use Tax Self-Audit Programs of businesses and licensed professionals in the State. These programs are geared towards businesses that regularly purchase taxable services and taxable goods such as office supplies and equipment from out-of-State businesses for use in New Jersey without paying sales tax. These businesses and professionals are required to remit use tax on these purchases. With very few exceptions, the Sales and Use Tax Act *does not* exempt from tax items used in conducting business. In addition, some items are taxable *because they are used in business*. For example, paper products are exempt when purchased for household use but are taxable when purchased for use in a business (e.g., toilet tissue for a restroom). If sales tax is not paid on the purchase of the paper products, use tax is due.

**For More
Information**

For more information on New Jersey use tax, contact the Division's Customer Service Center at 609-292-6400, e-mail us at nj.taxation@treas.state.nj.us, or write to:

NEW JERSEY DIVISION OF TAXATION
INFORMATION AND PUBLICATIONS BRANCH
PO BOX 281
TRENTON NJ 08695-0281

Many State tax forms and publications are available by fax and on our Web site. Call NJ TaxFax at 609-826-4500 from your fax machine's phone, or access the Division's home page at:

www.state.nj.us/treasury/taxation/

USE TAX Form ST-18 (08-07)	STATE OF NEW JERSEY DIVISION OF TAXATION	FOR OFFICIAL USE ONLY
PURCHASER'S NAME AND ADDRESS _____ _____ _____ Social Security or Federal Identification Number	SELLER'S NAME AND ADDRESS _____ _____ _____ Attach Rider if Necessary	1. AMOUNT OF PURCHASE \$ _____ 2. USE TAX (Line 1 × .07) _____ 3. CREDIT, IF ANY, FOR TAX PAID IN JURISDICTION OF PURCHASE (See instruction for Line 3) _____ 4. AMOUNT DUE (Line 2 Less Line 3) \$ _____
TAXABLE ITEM(S) PURCHASED	POSSESSION DATE	PRICE PAID
a) _____ / _____	\$ _____	_____
b) _____ / _____	_____	_____
c) _____ / _____	_____	_____
(If more taxable items were purchased, attach rider)		(Carry Total to Line 1)
I CERTIFY THAT ALL THE INFORMATION GIVEN IS CORRECT _____		
	Signature	Date

INSTRUCTIONS FOR COMPLETING USE TAX RETURN (Form ST-18)

LINE 1 - Enter the Total amount of all purchases subject to the Use Tax.

LINE 2 - Multiply Line 1 by 7% (.07) and enter the amount of Use Tax.

LINE 3 - Enter credit for sales tax previously paid *ONLY* on purchases where items or services were received outside of New Jersey.

A. TAX PAID TO ANOTHER STATE EQUAL OR HIGHER - If you paid Sales Tax on the purchase at the current New Jersey rate of 7% or a higher rate to another state or jurisdiction and did not take delivery in New Jersey, NO Use Tax is due New Jersey. No credit will be given for such payments on items or services delivered into New Jersey or for taxes paid in foreign countries.

B. TAX PAID TO ANOTHER STATE LESS THAN 7% - If you paid sales tax on the purchase at less than the current New Jersey rate of 7% and did not take delivery in New Jersey, Use Tax is due New Jersey in the amount of any difference.

LINE 4 - Subtract line 3 from line 2 and enter result on line 4. Make payment to: State of New Jersey-Use Tax.

Mail this form upon completion together with your payment to: State of New Jersey-Division of Taxation, Revenue Processing Center, Use Tax, PO Box 261, Trenton, NJ 08646-0261. *(KEEP A COPY FOR YOUR RECORDS)*

For information regarding the ST-18 and its completion contact: NJ Division of Taxation, Customer Service Center at (609) 292-6400.

PRIVACY ACT NOTIFICATION

The Tax Reform Act of 1976, P.L. 94-455, modified at 42USC 405(c)(2)(c)(i), authorizes the use of social security numbers in the administration of a tax law. The Division will use the number for tax account identification and tax administration and collection purposes.

* Please Complete and Return Remittance with Payment *