



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Taxation ("TAX")
Virginia Administrative Code (VAC) citation	23 VAC 10-210-6041, 23 VAC 10-210-6042, 23 VAC 10-210-6043
Regulation title	Retail Sales and Use Tax
Action title	Amendment of the Retail Sales and Use Tax Regulation Sections Concerning Vending Machine Sales to Conform to a Statutory Change in the Sales Tax Rate
Final agency action date	October 14, 2005
Document preparation date	March 16, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Legislation enacted by the 2004 General Assembly (2004 *Acts of Assembly*, Special Session I, Chapter 3) increased the sales tax rate from 4.5% to 5%. The regulation is being revised to reflect this legislative change.

Additionally, TAX is revising 23 VAC 10-210-6041 to correct a reference to another regulation section.

As this action is necessary to conform to changes in Virginia statutory law where no agency discretion is involved and to correct a technical error, it qualifies for exemption from the Administrative Process Act and the Virginia Register Act under *Code of Va.* § 2.2-4006 A.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Tax Commissioner approved the amendment of the Dealer Compensation Or Discount regulation section on October 14, 2005.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action is not expected to have an impact on family formation, stability and autonomy.