

§ 46.193

§ 46.193 Persons liable for floor stocks tax.

A dealer who holds for sale any articles subject to floor stocks tax on April 1, 2009, is liable for floor stocks tax. See §§ 46.204 and 46.205 regarding articles subject to floor stocks tax that are in transit on April 1, 2009 and § 46.206 regarding articles subject to floor stocks tax that are held in a foreign trade zone on April 1, 2009.

§ 46.194 Persons not liable for floor stocks tax.

A person who does not meet the definition of a dealer is not liable for the floor stocks tax under this subpart.

§ 46.195 Floor stocks requirements.

(a) *Take inventory.* The dealer must establish the quantity of articles subject to the floor stocks tax held for sale on April 1, 2009. The dealer may take a physical inventory or may use a record (book) inventory, as specified in § 46.202 or § 46.203.

(b) *Compute tax.* The dealer must compute the amount of tax for the articles held for sale on April 1, 2009. Refer to the table in § 46.222. The dealer may apply the tax credit as provided in § 46.223.

(c) *File tax return and pay tax.* After computing the floor stocks tax, the dealer must file a return even if no tax is due. See § 46.233 for payment methods if tax is due.

(d) *Maintain records.* The dealer must maintain all records used to determine the quantity of articles subject to floor stocks tax and the quantity of articles held for sale on April 1, 2009 that are not subject to floor stocks tax. The dealer must also maintain records of all computations used to determine the amount of tax owed. Refer to § 46.241.

(Approved by the Office of Management and Budget under control number 1513-0129)

INVENTORIES

§ 46.201 General.

(a) *Date.* The dealer must take an inventory to establish the quantities of articles subject to the floor stocks tax held for sale on April 1, 2009. The dealer must take the physical inventory or record (book) inventory not earlier

than March 26, 2009 and not later than April 10, 2009.

(b) *Reconciliation.* If the dealer takes a physical inventory on any day other than April 1, 2009, the resulting records must be reconciled to reflect the actual quantity of articles held at 12:01 a.m. on April 1, 2009. These records must include all supporting records of receipt and disposition.

(c) *Method.* The dealer may take a physical inventory in accordance with § 46.202 or a record (book) inventory in accordance with § 46.203. The following table lists the taxable articles and the method to use for each to determine quantities:

| Article | Inventory method |
|---|---|
| Small cigarettes | Count the number of cigarettes. |
| Large cigarettes 6½" or less in length. | Count the number of large cigarettes. |
| Large cigarettes more than 6½" in length. | Keep a separate count for each size of large cigarette. Count each 2¾", or fraction thereof, as one small cigarette. |
| Small Cigars | Count the number of small cigars. |
| Snuff | Count the number of packages at each weight, noting the weight in pounds and ounces. Convert the ounces to pounds. |
| Chewing tobacco ... | Count the number of packages at each weight, noting the weight in pounds and ounces. Convert the ounces to pounds. |
| Pipe tobacco | Count the number of packages at each weight, noting the weight in pounds and ounces. Convert the ounces to pounds. |
| Roll-your-own tobacco. | Count the number of packages at each weight, noting the weight in pounds and ounces. Convert the ounces to pounds. |
| Cigarette papers 6½" or less in length. | Count the number of cigarette papers, divide by 50, and round up if there is any remainder. |
| Cigarette papers more than 6½" in length. | Count the number for each size of cigarette paper. Count each 2¾", or fraction thereof, as new cigarette paper. Divide adjusted total by 50 and round up if there is any remainder. |
| Cigarette tubes 6½" or less in length. | Count the number of cigarette tubes, divide by 50, and round up if there is any remainder. |
| Cigarette tubes more than 6½" in length. | Count the number for each size of cigarette tube. Count each 2¾", or fraction thereof, as one cigarette tube. Divide adjusted total by 50 and round up if there is any remainder. |

§ 46.202 Physical inventory requirements.

The dealer's physical inventory must result in a written record of: