

PLATINUM IMPORTS, INC.  
300 22ND STREET SOUTH  
BIRMINGHAM, AL 35233-2209,

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§

STATE OF ALABAMA  
DEPARTMENT OF REVENUE  
ADMINISTRATIVE LAW DIVISION

Taxpayer,

§

DOCKET NO. S. 07-563

v.

§

STATE OF ALABAMA  
DEPARTMENT OF REVENUE.

§

### FINAL ORDER

The Revenue Department assessed Platinum Imports, Inc. ("Taxpayer") for State sales tax for October 2005 through March 2006. The Taxpayer appealed to the Administrative Law Division pursuant to Code of Ala. 1975, §40-2A-7(b)(5)a. A hearing was conducted on August 24, 2007. The Taxpayer's representative was notified of the hearing by certified mail, but failed to appear. Assistant Counsel Wade Hope represented the Department.

The Department audited the Taxpayer for the subject period and determined that it had failed to collect sales tax on sales of automobiles in Alabama to customers that lived outside of Alabama. The Department requested that the Taxpayer provide it with properly executed drive-out certificates. The Taxpayer failed to do so. The Department assessed the Taxpayer accordingly.

Automobiles sold in Alabama that will be titled outside of Alabama and are removed from Alabama within 72 hours are not subject to Alabama sales tax, see, Code of Ala. 1975, §40-23-2(4); provided, the fact that the vehicle left Alabama within 72 hours must be properly documented. See again, §40-23-2(4). Department Reg. 810-6-3-.42.03 provides that a drive out-certificate delivery form must be completed for each vehicle for the drive out exemption to apply. The Taxpayer failed to provide any drive out certificates concerning

the vehicles in issue. The Department thus correctly assessed the undocumented sales.

The *prima facie* correct final assessment is affirmed. Judgment is entered against the Taxpayer for State sales tax of \$25,665.10. Additional interest is also due from the date the final assessment was entered, May 7, 2007.

This Final Order may be appealed to circuit court within 30 days pursuant to Code of Ala. 1975, §40-2A-9(g).

Entered August 29, 2007.

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BILL THOMPSON  
Chief Administrative Law Judge

bt:dr

cc: Margaret Johnson McNeill, Esq.  
Kevin W. Ulch, CPA  
Joe Cowen  
Mike Emfinger