Sales/Use/Indirect:
New York: Advisory Opinions Address Taxation of Computer Software and Related Services and Fees

TSB-A-24(8)S, N.Y. Dept. of Tax. & Fin. (7/16/24); *TSB-A-24(9)S*, N.Y. Dept. of Tax. & Fin. (7/30/24). Two recently posted New York Department of Taxation and Finance advisory opinions address the taxation of certain charges for products determined to constitute taxable prewritten computer software – one involving a company providing an integrated, online, web-based portal for the preparation, submission, and review of paperless applications, and the other offering a web-based, electronic trading system used to trade currencies on the foreign exchange market. Addressing the taxation of related services and fees on the former, the advisory opinion concluded that the company's fees for optional custom programming services, data entry, and training services are *not* subject to New York sales tax if they are reasonable, separately stated charges. Similarly, the later opinion concluded that certain receipts for "user/transaction support charges" and a single "other charge" for integrating outside components into the software are *not* subject to New York sales tax if those charges are reasonable and separately stated. Please contact us with any questions.
URL: https://www.tax.ny.gov/pubs_and_bulls/advisory_opinions/sales/24-8s.htm
URL: https://www.tax.ny.gov/pubs_and_bulls/advisory_opinions/sales/24-9s.htm

—   Philip Lee (Jericho)
Managing Director
Deloitte Tax LLP
philee@deloitte.com

Brianne Moriarty (New York)
Senior Manager
Deloitte Tax LLP
bmoriarty@deloitte.com

Stephanie Csan (Morristown)
Managing Director
Deloitte Tax LLP
scsan@deloitte.com

Justin Gulotta (New York)
Senior Manager
Deloitte Tax LLP
jgulotta@deloitte.com

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