



Business Licenses Overview

Presented by

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Field and Audit Section - ALDOR

Business License Contact Information

Alabama Department of Revenue
Business and License Tax Division
Severance and License Section
P. O. Box 327550
Montgomery, AL 36132-7550

334-353-7827, Option 5

Website: revenue.alabama.gov

Email: license.account@revenue.alabama.gov



Business License Office Staff

Felicia Thomas, Revenue Manager

Shantel Stroud, Revenue Tax Accountant

Angela Watson, Revenue Tax Accountant

Kimberly Simmons, Account Clerk - chain/store reports

Sheree Ware-Abner, Account Clerk – chain/store reports



Online Resources

ALDOR's website contains a wealth of information regarding taxes, licenses, etc. Please direct taxpayers who wish to research their questions regarding business licenses, obtaining sales tax identification numbers or starting a new business to revenue.alabama.gov. The website contains the license handbook, brochures, publications, contact information, and other resources to assist with their questions.

Also AtlasAlabama.gov is an excellent resource for businesses in Alabama.





General

The law pertaining to Privilege Licenses is found in the Code of Alabama 1975, Title 40, Chapter 12.

The Handbook of Privilege and Store License, which includes the law pertaining to privilege licenses, as well as interpretations for most sections, can be found on ALDOR's website at:

https://www.revenue.alabama.gov/wp-content/uploads/2022/03/201008_HandbookPrivStoreLicences_revOct20.pdf



Where to Purchase a License

State/County Business Licenses are purchased at the County Courthouse/License Office.



Due Date and Delinquent Date

Section 40-12-26

“Except as otherwise provided, all licenses or privilege licenses payable hereunder shall be due on October 1 of each year and shall be for one year, ending September 30 following, and shall be delinquent on November 1 of each year.”

If October 31 falls on Saturday or Sunday, then renewals postmarked on Monday are considered timely and no penalty should be imposed.



Statute of Limitation

Citation or Escaped License:

Three fiscal years

(Current plus two prior years)

Petition for Refund:

Two years from date of payment

All refunds should be issued by ALDOR

No refunds issued for licenses purchased, but licensee later decides he/she does not want to pursue business activity



Interest and Penalty

Interest: Must be added to delinquent licenses (See ALDOR's website for the most current interest rates.)

Penalty: Must be collected by probate judge or commissioner (Section 40-12-10(d))

Note: It shall be unlawful for any probate judge or other officer to fail to collect the penalty when issuing the license.



Business License Reports

All business privilege license reports are required to be uploaded by the 20th of the following month except for October, November, and December reports, which are required to be uploaded by the 30th of the following month.

Chain/Store/Transfer License reports must be balanced with the monies remitted and all pages must be included, or our office will be unable to process your reports.

Do not include extra zeros or a dash at the end of the zip code field when submitting your license information. The zeros and dash cause the information to shift into another field when the data is uploaded. Please contact your vendor for assistance in correcting this issue.



Census Data

Data is provided every ten years.

Any license tax that is based on city/county population must be computed using census data provided by ALDOR.

2020 County Census Data -

<https://www.revenue.alabama.gov/census-2020-by-county/>

2020 City Census Data -

<https://www.revenue.alabama.gov/census-2020-by-city/>



License Reports Filing Option

Local governments and their vendors can submit the monthly business license reports to the department's Data Exchange Portal (DEP) using an SFTP connection along with an SSH Private/Public key pair.

Benefits of using this filing option:

1. Opens way for automation through a custom script or program written by the local county governments or their vendors
2. Eliminates manual login to the DEP web application
3. Eliminates resetting account password every 60 days

Contact the License Section at 334-353-7827 or license.account@revenue.alabama.gov for additional information.



Repealed Licenses

Per Act 2015-70, the following code sections were repealed and **should no longer be sold**. However, some counties have continued to issue these licenses, resulting in refunds due to taxpayers.

40-12-76 Coal and coke dealers
maintaining yard
40-12-85 Cotton buyers
40-12-95 Devices for testing skill/strength
40-12-119 Legerdemain and sleight of hand
40-12-132 Moving picture shows; Transient
40-12-164 Supply cars
40-12-173 Theatrical and vaudeville shows

40-12-77 Coal and coke dealers not
maintaining yard
40-12-86 Cotton compresses
40-12-109 Hat cleaning establishment
40-12-120 Lightning rods
40-12-142 Pig iron storage operators
40-12-170 Trading stamps
40-12-175 Turpentine and resin



Discussion

License Section
with
Frequently Asked Questions



Automobile Accessory Dealers

Section 40-12-53

License is not applicable to licensed service stations and garages if wholesale value of inventory does not exceed \$75.

License is not required to sell:

- A.C. Generators (used on boats, trucks, other motor vehicles)

- Anti-Freeze

- Oil Additives

- Oil and Filter Only



Conditional Sales Contracts, Drafts, Acceptances, etc., Dealers in Section 40-12-83(b)

The license is to be purchased in each county in which the applicant has one or more offices. If more than one office is operated under the same name within a county, the applicant is required to purchase one license.

Where different trade names are used then a license is required for each place of business having a different trade name or different ownership.



Section 40-12-83(b) continued

Examples:

1. Joe Brown has two cash advance companies in the same county, and both are known as Brown's Cash Advance Company. Mr. Brown would be required to purchase one license.
2. Joe Brown has two cash advance companies in the same county, one is known as Brown's Cash Advance and the other is known as B & B Cash Advance. Mr. Brown would be required to purchase two licenses.



Construction Companies or Contracts

Section 40-12-84

Fee is based on gross amount of contract.

License is for duration of contract.

License is good statewide.

If the maximum license has not been purchased, the licensee should upgrade the license with the county the license was originally purchased, if new contracts are accepted during the license year.



Construction Companies continued

Custom Homes verses Speculative Homes

Custom - Homes that the builder builds with a buyer and are presold prior to completion.

Speculative - Homes that the builder builds without a buyer and are not presold.

Speculative homes may be built without a Section 40-12-84 license if no contract is signed before the home is completed.



Construction Companies continued

Verifying Gross Contracts:

The gross contract amount is the total amount of the contract including labor and materials.

Review contracts or sales invoices to verify gross contracts.

The max license amount is \$375 for total contracts over \$200,000.



Sandwich Shops, Delicatessen, and Restaurants

153 - Sandwich Shops:

- Limited to establishments serving sandwiches and prepackaged sides.
- If prepared side items (fries, potato salad, tossed salad, etc.) are sold, must purchase deli license if for off-premise consumption or a restaurant license if seating is provided.

91 - Deli License:

- Needed where cooked foods are sold for off-premise consumption.
- A bakery selling only bakery products, such as bread, candy, cake, pies, cake ornaments, etc. for off-premise consumption would not be subject to this license.

151 - Restaurants, Cafes, Cafeterias, etc.:

- Needed where seating is provided for on-premise consumption.
- License is based on seating capacity and city population.



Sandwich Shops, Delicatessen, and Restaurants

Food Trucks should be licensed with these sections.

Must have a letter of authorization from the Health Department and a commissary, a permitted food establishment, before these sections are issued. The information may be found on the Alabama Department of Public Health's website:

[http://alabamapublichealth.gov/environmental/rules.html.](http://alabamapublichealth.gov/environmental/rules.html)



Fireworks

Section 40-12-102

No half-year license if business was open in previous license year.

No penalty and interest should be charged if license is purchased prior to opening for the season.



Gasoline Stations and Pumps

Section 40-12-106

Number of pumps is not determined by the number of nozzles, but the number of nozzles that can be operated simultaneously.

Section only applies to gasoline pumps. The license is not required for diesel pumps.



Flying Jennies, Merry-Go-Rounds, etc. Section 40-12-103

License required for such items as:

- Roller Coasters
- Merry-Go-Rounds
- Flying Jennies
- Hobby Horses
- Other Inflatables

Note: License is required for each such device.



Moving Picture Shows; Permanent Operators Section 40-12-133

A license is required for each screen and viewing area in operation in a building.

The license is based on city population. In cities with a population greater than 35,000, the license is \$300 if the location is less than one mile from city hall and \$90 if it is more than one mile from city hall.

Any motion picture theater charging children under 12 years of age more than one-half of the admission charged adults shall pay double the amount levied unless the admission charge does not exceed ten cents.



Real Estate Brokers and Agents

Section 40-12-149

No license is required for appraisers or individuals buying property for themselves and reselling it for a profit.

A license is required for renting property and charging a commission.



Junk Dealers

Section 40-12-116

Buyers of scrap gold or silver are required to purchase this section.

Examples of some businesses that may purchase gold:

- Pawn Shops

- Payday Loan Companies

- Jewelry Stores

Note: They are only required to purchase this section if they purchase gold based on content (quality or weight) rather than form (coins, jewelry, etc.).



Pawnbrokers

Section 40-12-138

For merchandise received on pawn, purchase of Section 138 exempts the pawnshop from purchasing specific section licenses relating to those items, except for Section 143 (pistols) and Section 158 (sawed-off shot guns). These must be purchased whether or not the goods were received on pawn.

If merchandise was not received on pawn, but was purchased by the pawnbroker for resale, purchase of Section 138 will not exempt the pawnshop from purchasing any section licenses relating to these specific items.



Chain Store Licenses

Section 40-12-315

Where stores are located in more than one county, the licensee is required to procure the licenses in the county where the initial store license was obtained.

Store does not include establishments where the principal (51%) business is selling or distributing petroleum products or ice (4,000 pounds).



Half-Year License on or after April 1st

No Half-Year Licenses Issued for following Sections:

- Section 47 Amusement Parks
- Section 59 Baseball Parks
- Section 74 Circuses
- Section 82 Concerts, Musical Entertainments, etc.
- Section 84 Construction Companies or Contractors
- Section 101 Fire, Closing Out, etc., Sales
- Section 103 Flying Jennies, Merry-Go-Rounds, etc.
- Section 111 Horse Show, Rodeo, or Dog & Pony Shows
- Section 147 Racetracks, Athletic Fields, etc.
- Section 157 Shooting Galleries
- Section 163 Street Fairs and Carnivals



Questions?

