

TITLE 3: TAXATION
CHAPTER 2: GROSS RECEIPTS TAXES
PART 300: CREDIT - GROSS RECEIPTS TAX - SERVICES

3.2.300.1 ISSUING AGENCY: Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630.
[3.2.300.1 NMAC - Rp, 3.2.300.1 NMAC 10/13/2021]

3.2.300.2 SCOPE: This part applies to each person engaging in business in New Mexico.
[3.2.300.2 NMAC - Rp, 3.2.300.2 NMAC 10/13/2021]

3.2.300.3 STATUTORY AUTHORITY: Section 9-11-6.2 NMSA 1978.
[3.2.300.3 NMAC - Rp, 3.2.300.3 NMAC 10/13/2021]

3.2.300.4 DURATION: Permanent.
[3.2.300.4 NMAC - Rp, 3.2.300.4 NMAC 10/13/2021]

3.2.300.5 EFFECTIVE DATE: October 13, 2021, unless a later date is cited at the end of a section, in which case the later date is the effective date.
[3.2.300.5 NMAC - Rp, 3.2.300.5 NMAC 10/13/2021]

3.2.300.6 OBJECTIVE: The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Gross Receipts and Compensating Tax Act.
[3.2.300.6 NMAC - Rp, 3.2.300.6 NMAC 10/13/2021]

3.2.300.7 DEFINITIONS: [RESERVED]
[3.2.300.7 NMAC - Rp, 3.2.300.7 NMAC 10/13/2021]

3.2.300.8 CREDIT FOR TAX PAID TO ANOTHER STATE ON SERVICES: The credit allowed pursuant to the provisions of Section 7-9-79.1 NMSA 1978 shall not exceed the lesser of:
A. the actual amount of tax paid to the other state, paid to any political subdivision of the other state or the combined total paid to the other state and political subdivisions of that state; or
B. the amount determined by multiplying the total consideration received from the sale of the service exclusive of the amount of tax paid to the other state and any political subdivision of that state times the rate of gross receipts tax imposed under Section 7-9-4 NMSA 1978.
[3.2.300.8 NMAC - Rp, 3.2.300.8 NMAC 10/13/2021]

3.2.300.9 CREDIT FOR TAX PAID ON SERVICES PERFORMED OUTSIDE THE STATE: Under Section 7-9-79.1 NMSA 1978, if another state's sales, gross receipts, or similar tax is paid on services performed outside the state, the gross receipts from which would be subject to the New Mexico gross receipts tax, the taxpayer may take a credit for against the gross receipts tax owed for an amount of the other state's tax paid, provided the credit may not exceed gross receipts tax due on each transaction.
[3.2.300.9 NMAC - N, 10/13/2021]

HISTORY OF 3.2.300 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: BOR 67-2, NM Gross Receipts and Compensating Tax Regulations, September 119967, filed 9/29/1967. BOR 69-4, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 12-5-1969, filed 12/5/1969. BOR 72-4, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 3/9/1972, filed 3/9/1972. BOR 74-2, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 12/15/1973, filed 3/20/1974.

BOR 76-1, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 7/26/1976, filed 7/26/1976.

R.D.79-1, Gross Receipts and Compensating Tax Act Regulations, filed 6/18/1979.

R.D. Rule No. 82, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 4/7/1982.

R.D. Rule No. 84, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 5/4/1984.

TRD Rule No. 9-86, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 4/2/1986.

TRD Rule GR-90, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 11/26/1990.

History of Repealed Material:

3.2.300 NMAC, Credit - Gross Receipts Tax - Services, filed 6/4/2001, Repealed effective 10/13/2021.

NMAC History:

3 NMAC 2.79.2, Credit - Gross Receipts Tax - Services, filed 11/4/1996.

3.2.300 NMAC, Credit - Gross Receipts Tax - Services, filed 6/4/2001.

3.2.300 NMAC, Credit - Gross Receipts Tax - Services, filed 6/4/2001, Replaced 3.2.300 NMAC, Credit - Gross Receipts Tax - Services effective 10/13/2021.