

TITLE 3: TAXATION
CHAPTER 2: GROSS RECEIPTS TAXES
PART 222: DEDUCTION - GROSS RECEIPTS TAX - NEWSPAPERS SALES

3.2.222.1 ISSUING AGENCY: Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630
[10/15/96; 3.2.222.1 NMAC - Rn, 3 NMAC 2.64.1, 6/14/01]

3.2.222.2 SCOPE: This part applies to all persons who sell newspapers.
[10/15/96; 3.2.222.2 NMAC - Rn, 3 NMAC 2.64.2, 6/14/01]

3.2.222.3 STATUTORY AUTHORITY: Section 9-11-6.2 NMSA 1978.
[10/15/96; 3.2.222.3 NMAC - Rn, 3 NMAC 2.64.3, 6/14/01]

3.2.222.4 DURATION: Permanent.
[10/15/96; 3.2.222.4 NMAC - Rn, 3 NMAC 2.64.4, 6/14/01]

3.2.222.5 EFFECTIVE DATE: 10/15/96, unless a later date is cited at the end of a section, in which case the later date is the effective date.
[10/15/96; 3.2.222.5 NMAC - Rn, 3 NMAC 2.64.5 & A, 6/14/01]

3.2.222.6 OBJECTIVE: The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Gross Receipts and Compensating Tax Act.
[10/15/96; 3.2.222.6 NMAC - Rn, 3 NMAC 2.64.6, 6/14/01]

3.2.222.7 DEFINITIONS: [Reserved.]
[10/15/96; 3.2.222.7 NMAC - Rn, 3 NMAC 2.64.7, 6/14/01]

3.2.222.8 “NEWSPAPER” DEFINED:

A. As used in Sections 7-9-63 and 7-9-64 NMSA 1978, the term “newspaper” is limited to those publications which are commonly understood to be newspapers and which are printed and distributed periodically at daily, weekly or other short intervals for the dissemination of news. The term does not include handbills, circulars, flyers or the like, unless printed and distributed as a part of a publication which otherwise constitutes a newspaper within the meaning of this subsection. Advertising is not considered to be news. Newspapers are not bound or stapled; magazines are.

B. Example: N is a newspaper publishing company. N also prints advertising circulars for various businesses. These circulars are delivered to the businesses which ordered them. The business then arranges for dissemination of the circulars in ways other than as inserts to N's newspaper. N's receipts from printing these circulars are not deductible under Section 7-9-64 NMSA 1978.
[3/9/72, 11/20/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 5/7/93, 10/15/96; 3.2.222.8 NMAC - Rn, 3 NMAC 2.64.8 & A, 6/14/01]

3.2.222.9 CREDIT BUREAU PUBLICATION:

A. Receipts from selling the publication of a credit bureau which provides information to subscribers concerning such matters as the filing of suits, mortgages and deeds and other information of interest to merchants and others who extend credit, whether sold as part of a credit service agreement or sold separately to subscribers not using a credit service, are subject to the gross receipts tax.

B. Such a publication is not a newspaper within the meaning of either Section 7-9-63 NMSA 1978 or 7-9-64 NMSA 1978. The receipts from selling such a publication are not entitled to the deduction from gross receipts provided by Section 7-9-64 NMSA 1978.
[12/5/69, 3/9/72, 11/20/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 10/15/96; 3.2.222.9 NMAC - Rn, 3 NMAC 2.64.9 & A, 6/14/01]

3.2.222.10 RACING FORMS: Racing forms are not “newspapers” within the meaning of either Section 7-9-63 NMSA 1978 or 7-9-64 NMSA 1978.

[3/9/72, 11/20/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 10/15/96; 3.2.222.10 NMAC - Rn, 3 NMAC 2.64.10 & A, 6/14/01]

3.2.222.11 REPORT OF RECREATIONAL CONDITIONS: A daily publication reporting solely recreational conditions, such as the hunting or fishing conditions of a particular recreational area, is not a “newspaper” within the meaning of either Section 7-9-63 NMSA 1978 or 7-9-64 NMSA 1978.

[3/9/72, 11/20/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 10/15/96; 3.2.222.11 NMAC - Rn, 3 NMAC 2.64.11 & A, 6/14/01]

3.2.222.12 SALE OF NEWSPAPER BY PRINTER: The receipts of a printer who manufactures newspapers for a publisher may take the deduction provided in Section 7-9-64 NMSA 1978 without regard to whether the newspapers are resold or distributed free of charge by the publisher. No nontaxable transaction certificate needs be delivered to the printer but the printer must retain sufficient documentation to show that the product manufactured was a newspaper.

[10/15/96; 3.2.222.12 NMAC - Rn, 3 NMAC 2.64.12 & A, 6/14/01]

HISTORY OF 3.2.222 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 1967, filed 9/29/67.

BOR 69-4, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 12-5-69, filed 12/5/69.

BOR 72-4, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 3/9/72, filed 3/9/72.

BOR 74-2, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 12/15/73, filed 3/20/74.

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

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

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 4/7/82.

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 5/4/84.

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 4/2/86.

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 11/26/90.

History of Repealed Material: [RESERVED]

NMAC History:

3 NMAC 2.64, Deduction - Gross Receipts Tax - Newspaper Sales, filed 10/1/96.

3.2.222 NMAC, Deduction - Gross Receipts Tax - Newspaper Sales, filed 6/4/2001.