

M e m o r a n d u m

To : Honorable Fiona Ma, CPA, Chairwoman
Honorable Diane L. Harkey, Vice Chair
Honorable George Runner, First District
Honorable Jerome E. Horton, Third District
Honorable Betty T. Yee, State Controller

Date: September 8, 2016

From : Susanne Buehler, Deputy Director
Business Tax and Fee Department (MIC 43) 

Subject : **Board Meeting – September 27-29, 2016**
Item P3.2 – Business Tax and Fee Deputy Director’s Report
Section 6355 Coins and Bullion “Bulk” Sale Threshold

Revenue and Taxation Code (RTC) section 6355 and Regulation 1599, *Coins and Bullion*, provide an exemption from the sales and use tax for sales in bulk of monetized bullion, nonmonetized gold or silver bullion, and numismatic coins that are substantially equivalent to transactions in securities or commodities. RTC section 6355, subdivision (b)(1) defines the term “bulk” to mean coins or bullion having a market value of \$1,000 or more. However, RTC section 6355, subdivision (b)(2) mandates that, by October 1 each year, the Board calculate the annual inflation adjustment to the coins and bullion bulk sale exemption threshold, based on each year’s (June to June) California Consumer Price Index (CCPI). When the cumulative inflation adjustment equals or exceeds a multiple of five hundred dollars (\$500), subdivision (b)(2) provides that the coins and bullion bulk sale exemption threshold automatically increases to the next nearest multiple of \$500, effective January 1 of the succeeding calendar year.

After making the annual inflation adjustment calculation to the current \$1,500 threshold for 2016, the Business Tax and Fee Department has determined that the cumulative adjustment is \$179.92. (See attached schedule of cumulative inflation adjustments from 1994 through 2016.) Therefore, no changes are required to the operative bulk sale exemption threshold pursuant to RTC section 6355 and there is no need to amend Regulation 1599 this year.

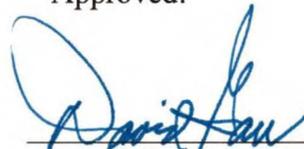
If you have any questions regarding this calculation or section 6355, please contact Ms. Kim Rios at 916-324-0293.

Recommendation by:



Susanne Buehler, Deputy Director
Business Tax and Fee Department

Approved:



David Gau
Executive Director

SB:kr

Attachment: Rev. & Tax Code §6355

cc: (via email with attachment)

Ms. Genevieve Jopanda, Board Member's Office, Second District

Mr. Russell Lowery, Board Member's Office, Fourth District

Mr. Sean Wallentine, Board Member's Office, First District

Ms. Kari Hammond, Board Member's Office, Third District

Ms. Yvette Stowers, State Controller's Office (MIC 73)

Mr. David Gau (MIC 73)

Ms. Amy Kelly (MIC 82)

**Rev. & Tax. Code Section 6355
Coins and Bullion Adjustment**

	A	B	C	D	E
	(1)	(2)	(3)	(4)	(5)
			Tentative		
Year	CCPI Index	CCPI % Change	Bulk Sale Adjustment	Yearly Increase	Cumulative Adjustment
1993	148.900		1000.00		\$0.00
1994	150.700	1.209%	1000.00	12.09	\$12.09
1995	154.200	2.322%	1012.09	23.51	\$35.59
1996	156.600	1.556%	1035.59	16.12	\$51.71
1997	160.000	2.171%	1051.71	22.83	\$74.55
1998	163.600	2.250%	1074.55	24.18	\$98.72
1999	167.800	2.567%	1098.72	28.21	\$126.93
2000	174.000	3.695%	1126.93	41.64	\$168.57
2001	183.200	5.287%	1168.57	61.79	\$230.36
2002	185.900	1.474%	1230.36	18.13	\$248.49
2003	189.900	2.152%	1248.49	26.86	\$275.35
2004	195.800	3.107%	1275.35	39.62	\$314.97
2005	201.300	2.809%	1314.97	36.94	\$351.91
2006	210.900	4.769%	1351.91	64.47	\$416.38
2007	217.400	3.082%	1416.38	43.65	\$460.03
2008	228.300	5.014%	1460.03	73.20	\$533.24

Cummulative adjustment > \$500

The operative bulk sale exemption threshold was adjusted to \$1,500

2008			1500.00		\$0.00
2009	225.000	-1.445%	1500.00	-21.68	-\$21.68
2010	227.113	0.939%	1478.32	13.88	-\$7.80
2011	233.285	2.718%	1492.20	40.55	\$32.75
2012	237.781	1.927%	1532.75	29.54	\$62.29
2013	241.926	1.743%	1562.29	27.23	\$89.53
2014	247.228	2.192%	1589.53	34.84	\$124.36
2015	250.404	1.285%	1624.36	20.87	\$145.23
2016	255.684	2.109%	1645.23	34.69	\$179.92

- (1) The factor used is the California Consumer Price Index as determined by the FTB pursuant to RTC section 17041. The CCPI is available at the Department of Industrial Relations website at <https://www.dir.ca.gov/opri/CPI/EntireCCPI.PDF>
- (2) (Current Year (A)/Prior Year (A))-1
- (3) Prior Year (C) + Prior Year (D).
The base rate in 1993 was \$1,000. In 2008, the base rate was adjusted to \$1,500.
- (4) (B * C)
1994-2008: The base rate was multiplied by the CCPI percentage (%) change in 1994 to determine the tentative bulk sale adjustment for the succeeding year.
2009-2010: The base rate was multiplied by the CCPI percentage (%) change in 2009 to determine the tentative bulk sale adjustment for the succeeding year.
Each year thereafter, the tentative adjustment is multiplied by the CCPI % change.
- (5) Prior Year (E) + Current Year (D)
A new operative bulk sale threshold is reached when the cumulative adjustment equals or exceeds a multiple of \$500.

Notes

- ** By October 1st each year, the Sales and Use Tax Department Regulations Coordinator computes the RTC section 6355 tentative adjustment for bulk sales of Coins and Bullion.
- ** The exemption threshold is indexed for inflation.
- ** When the cumulative adjustment equals or exceeds a multiple of \$500, the exemption threshold automatically increases to the nearest multiple of \$500, beginning January 1st of the following year.