

NOTE: Due to limited funding, the Department of Revenue has discontinued the printing of this publication. It is available only through our web site.



KANSAS

Exemption Certificates

This booklet is designed to help businesses properly use Kansas sales and use tax exemption certificates as buyers and as sellers. It explains the exemptions currently authorized by Kansas law and includes the exemption certificates to use. Businesses with a general understanding of Kansas sales tax rules and regulations can avoid costly errors.

As a registered retailer or consumer, you will receive updates from the department when changes are made in the laws governing sales and use tax exemptions. Keep these notices with this booklet for future reference. You may also obtain the most current version of any exemption certificate or publication from our web site.



KANSAS

DEPARTMENT OF REVENUE

www.ksrevenue.org

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If there is a conflict between the law and information found in this publication, the law remains the final authority. Under no circumstances should the contents of this publication be used to set or sustain a technical legal position. Exemption certificates are updated as laws change; consult our web site for current versions. A library of current policy information is also available on our web site: www.ksrevenue.org



THE CARDINAL RULE

Kansas retailers are responsible for collecting the full amount of sales tax due on each sale to the final user or consumer. All Kansas retailers should follow this cardinal rule:

All retail sales of goods and enumerated taxable services are considered taxable unless specifically exempt.

Therefore, for every sale of merchandise or taxable service in Kansas, the sales receipt, invoice, or bill **MUST** either:

- show that the total amount of sales tax due was collected, **or**
- be accompanied by a Kansas exemption certificate or Form PR-78SSTA.

WHAT IS AN EXEMPTION CERTIFICATE?

An exemption certificate is a document that a buyer presents to a retailer to claim exemption from Kansas sales or use tax. It shows why sales tax was not charged on a retail sale of goods or taxable services. The buyer completes and furnishes the exemption certificate, and the seller keeps the certificate on file with other sales tax records.

An exemption certificate must be completed in its entirety, and should:

- explain why the sale is exempt,
- be dated,
- describe the property being purchased unless using Form PR-78SSTA, and
- contain the seller's name and address and the buyer's name, address, and signature.

Some exemption certificates also require a buyer to furnish the Kansas tax account number or request a description of the buyer's business. The exemption certificates for nonprofit organizations require the exempt entity's tax ID number.

The Kansas exemption certificates, including Form PR-78SSTA, beginning on page 19 meet these requirements. When the appropriate certificate is used, and all the blanks are accurately filled out, the certificate may be accepted by a retailer.

ACCEPTING EXEMPTION CERTIFICATES

An exemption certificate relieves a seller from collecting sales tax if it has obtained the required identifying information as determined by the director and the reason for claiming the exemption at the time of purchase. A seller should:

- 1) verify the identity of the person or entity presenting the exemption certificate; and
- 2) maintain the fully completed exemption certificate in your sales tax records for at least three (3) years.

You should obtain the appropriate exemption certificate from your customer at the time of the sale and **no later** than 90 days subsequent to the date of sale.

However, some customers claim to be exempt only after the goods or services have been delivered, and deduct the tax from the bill. When this happens, you are still responsible for obtaining an exemption certificate from the customer. If you are unable to secure an exemption certificate the sale is considered taxable, and as the retailer, you will be liable for the tax.

BLANKET EXEMPTION CERTIFICATES

If you make recurring exempt sales of the same type to the same customer, you are not expected to obtain an exemption certificate for each transaction. Kansas law provides that a seller is relieved of liability for the tax when he obtains a blanket exemption certificate from a purchaser with which the seller has a "recurring business relationship". Such certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A "recurring business relationship" exists when a period of no more than 12 months elapses between sales. All of the certificates in this booklet may be used as blanket certificates.

All Tax-Exempt Entity Exemption Certificates (sample on page 16) contain an expiration date. If a Tax-Exempt Entity Exemption Certificate is obtained by the seller it can be used for all sales made prior to the expiration date as provided on the certificate. No need for the seller to obtain multiple copies of this Tax-Exempt Entity Certificate.

RECORD KEEPING

You must keep all sales tax records, including exemption certificates, for your current year of business and at least three prior years. **DO NOT** send exemption certificates to the Department of Revenue with your sales tax return.



BUYING YOUR INVENTORY

Probably the most widely used sales tax exemption is for the purchase of items intended for resale. When buying your inventory from a wholesaler or another retailer, or selling inventory items to another retailer, you will use a Resale Exemption Certificate or Form PR-78SSTA.

RESALE EXEMPTION CERTIFICATE REQUIREMENTS

A resale exemption certificate has two requirements.

- 1) The **items purchased must be for resale** in the usual course of the buyer's business.
- 2) The **buyer must have a Kansas sales tax account number**, except in drop shipment situations.

A retailer should make sure both requirements are provided before accepting a Resale Exemption Certificate from the customer. The following discussion of these two requirements will help you avoid costly errors.

ITEMS PURCHASED MUST BE FOR RESALE

A buyer can use a resale exemption certificate only to purchase the property that will be for resale and not for personal or other nonexempt use. The property being purchased must be of the type normally sold at retail in the usual course of the buyer's business. For example, a restaurant owner cannot use an exemption certificate to buy tires or appliances since a restaurant does not customarily sell these items.

KANSAS SALES TAX ACCOUNT NUMBERS

The Kansas Department of Revenue assigns a Kansas sales tax account number to you after you complete the Business Tax Application, Form CR-16. This number is printed on your Retailers' Sales Tax Registration Certificate and is used to report and pay the sales tax you collect from your customers to the department. It is also the number that **MUST** be provided on a Resale Exemption Certificate, Form ST-28A or Form PR-78SSTA.



CAUTION: DO NOT accept a photocopy of a customer's sales tax registration certificate **instead of** a completed exemption certificate. You cannot exempt a sale from tax simply because the buyer is a registered retailer.

A common misconception is that a sales tax account number is also a "tax-exempt" number. However, a sale is not exempt simply because the buyer has a sales tax number. A tax number only proves the customer is a registered retailer; it does not certify that the item(s) purchased are exempt (for resale or any other reason).

A completed exemption certificate must be obtained from the customer before the sale is exempt.

Retailers from other states

As a general rule, wholesalers and buyers from other states not registered in Kansas should use the Multi-Jurisdiction Exemption Certificate, Form ST-28M or PR-78SSTA, to buy items for their resale inventory. The Multi-Jurisdiction certificate or PR-78SSTA may also be used by wholesalers to buy their inventory. If the inventory item purchased by an out-of-state retailer is drop shipped to a Kansas location, the out-of-state retailer may provide to the third party vendor a Resale Exemption Certificate **from any state**, or the Multi-Jurisdiction Exemption Certificate showing registration for any state. They may also use PR-78-SSTA exemption certificate. The law no longer requires that they have a Kansas registration in order for the sale to be exempt.

Sales Tax Account Number Format

The Kansas Department of Revenue changed the format of a Kansas Sales tax account number in September, 1999. Businesses registered prior to that date received the new type of reporting number, but were not issued a new Registration Certificate with the new number format.

The following explanations will help you recognize the two types of Kansas sales tax account numbers that may appear on a Kansas Sales Tax Certificate of Registration. Either type of number is acceptable on an exemption certificate. However, you should obtain the new tax account numbers from those customers who are using blanket exemption certificates (see page 3). If you have any questions about a sales tax account number furnished by a customer, contact our office.

Current Format of Sales Tax Account Numbers

A Kansas Sales tax account number is a fifteen-character number. There are three parts to your Kansas Sales Tax Account Number:

Tax Type	EIN, "A" or "K" number	End code
004	4812345678F	01
004	K12345678F	01
004	A12345678F	01

The tax type prefix for sales tax is "004." If you are registered with the department for other taxes (withholding, compensating use) the prefix will change to denote the different tax type. For example, the prefix for withholding tax is "036."

Your account number is based on either your federal Employer Identification Number (EIN), an "A" or a "K" number assigned by the Kansas Department of Revenue for those accounts that are not required to have an EIN. All registration numbers end with the letter "F."

The two-digit end code at the end of the number denotes the number of registrations under this EIN, "A" or "K" number. For most taxpayers it is "01."

Sales Tax Account Numbers Before October, 1999

The registration number shown on Kansas Sales Tax Registration Certificates issued before October, 1999 had four parts (separated here by hyphens).

1-000-X000-X000

Part one is the tax type - "1" is for sales tax. Parts two and three are the unique letter (X) and number (0) combination assigned to the business. Part four is the local tax code. Parts two and three were used on exemption certificates, such as: 002-0000 or 2-0000.

The tax account numbers assigned by the department for other tax types (such as tire excise and transient guest tax) still follow this general format.

SAMPLE COMPLETED RESALE EXEMPTION CERTIFICATE

All the blanks on an exemption certificate should be completed before the exemption certificate may be accepted by a retailer (page 15). Use the completed Resale Exemption Certificate illustrated in the example below as a guide. Also, the Form PR-78SSTA may be used.



James Adams owns a candy store in Topeka, and buys his inventory from Wholesale Candies and Snacks. His sales tax account number is 004-740000000F-02. The Resale Exemption Certificate he completed for his vendor is below. He also purchased display racks from this vendor, but since he is the final consumer of the racks, they were invoiced separately and he paid the sales tax on them.

Kansas Department of Revenue			
RESALE EXEMPTION CERTIFICATE			
			TO CONSERVE SPACE ONLY THE TOP PORTION OF THE CERTIFICATE IS REPRODUCED HERE.
The undersigned Kansas retailer certifies that the tangible personal property or repair service purchased from:			
Seller: <u>Wholesale Candies</u> Business Name			
Address: <u>123 Main Street</u> <u>Topeka</u> <u>KS</u> <u>66612</u>			
Street, RR or P. O. Box		City	State
Zip + 4			
will be resold by me in the form of tangible personal property or repair service. I hereby certify that I hold valid Kansas sales tax registration number <u>004-740000000F-02</u> , and I am in the business of selling <u>food, gasoline, and beverages</u>			
(May attach a copy of registration certificate)			
(Description of product(s) sold - food, clothing, furniture, etc.)			
Description of tangible personal property or repair service purchased:			
<u>candy, gum, packaged snacks</u>			
I understand and agree that if the items purchased with this certificate are used for any purpose other than retention, demonstration, or display while being held for sale in the regular course of business, I am required to report and pay the sales tax, based upon the purchase price of the items.			
Purchaser: <u>James Adams Convenience Store</u>			
Address: <u>2171 Southwest Blvd</u> <u>Topeka, KS</u> <u>66611</u>			
Signature: <u>James Adams</u>		Date: <u>4/28/09</u>	
THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.			

SALES TAX EXEMPTIONS

The sales tax exemptions authorized by Kansas law fall into three general categories. These are: **entities** who are exempt, specific **items** that are exempt, and **uses** of an item that makes it exempt. This section explains each category with examples and exceptions noted. Additional information about an exemption is part of the certificate designed for it.

EXEMPT ENTITIES

All of the following entities are exempt from sales tax when making a direct purchase of goods. Most, but not all of these entities, are also exempt when making a direct purchase of a taxable service. The Tax-Exempt Entity Exemption Certificate issued by the Department to the entity states whether its exemption is limited to just goods or whether the exemption extends to services as well. A direct purchase is one that is billed directly to the exempt buyer and paid for by a check or voucher from the exempt buyer.

- ◆ The U.S. Government, its agencies and instrumentalities
- ◆ The state of Kansas and *Kansas* political subdivisions: school districts, counties, cities, etc.
- ◆ Elementary and secondary schools
- ◆ Noncommercial educational television and radio stations
- ◆ Nonprofit blood, tissue and organ banks
- ◆ Nonprofit educational institutions
- ◆ Nonprofit 501(c)(3) historical societies
- ◆ Nonprofit hospitals
- ◆ Nonprofit 501(c)(3) museums
- ◆ Nonprofit 501(c)(3) primary care clinics
- ◆ Nonprofit 501(c)(3) religious organizations
- ◆ Nonprofit 501(c)(3) zoos
- ◆ Nonprofit youth development programs
- ◆ Parent-teacher organizations (PTA or PTO)

**FOR A COMPLETE LIST OF
EXEMPT ENTITIES SEE PAGE 17.**

The 501(c)(3) designation refers to the section of the Internal Revenue Code under which a nonprofit entity has been granted an exemption from federal (and state) income tax. Although used to define who qualifies for an exemption, **a nonprofit 501(c)(3) designation does not mean the organization is automatically exempt from sales tax.** Only the entities listed here are exempt from paying Kansas sales tax on their direct purchases when the appropriate exemption certificate is completed and provided to the retailer.

Although exempt by law, these entities must still support their exemption with a completed exemption certificate. This booklet contains exemption certificates that can be used for each of these exempt buyers with examples and common pitfalls to avoid or, Form PR-78SSTA can be used.

There are special rules applicable to exempt entities on purchases for certain construction projects and repair work. See "Project Exemption Certificates" (found herein).



Exception: When the state of Kansas or nonprofit hospital operates a taxable business (such as a public cafeteria or gift shop), or when a political subdivision sells or furnishes utilities, *non-inventory* items purchased for use in these taxable businesses are taxable to the otherwise exempt group.



example A city's gas utility must pay sales tax on office equipment, pipe and vehicles used (even partially) by its gas utility. A hospital must pay sales tax on its restaurant equipment, furniture, fixtures and reusable utensils purchased for its public cafeteria.

Credit Cards

Many government agencies are issuing credit cards to their employees and agents who travel or make purchases while on official business or on behalf of the agency. When the agency is responsible for payment of any credit card charges, purchases made by employees with said credit card are exempt from Kansas sales or use tax as a direct purchase. When someone other than the exempt entity is responsible for payment of the credit card charge, the purchase is not automatically exempt. The appropriate exemption certificate must be obtained.



Exception: The rental of **hotel rooms** by agents or employees of the U.S. Government while on official business are exempt regardless of the method of payment.

Buyers who are NOT exempt

A common misconception is that *all* nonprofit organizations are exempt from sales tax. While a nonprofit status for income tax purposes may be a requirement for a Kansas sales tax exemption, nonprofit organizations that have not been granted a specific sales tax exemption must pay tax on their purchases. Groups and organizations that are **NOT EXEMPT** from paying Kansas sales tax include alumni associations, charitable and benevolent organizations, clubs, labor unions, and professional associations.

CERTIFICATES FOR TAX-EXEMPT ENTITIES

Kansas law requires all sales Tax-Exempt Entities to obtain and utilize only exemption certificates issued by the Department of Revenue or the SSTA exemption certificate form PR-78SSTA. These certificates, an example of which is on page 16, contains the exempt entity's NAME, ADDRESS, and TAX EXEMPTION NUMBER issued by the Department of Revenue. Any sales Tax-Exempt Entity that does not have an exemption certificate may apply on-line at the department's web site.

The purpose of the tax-exempt exemption certificates is to control fraudulent tax-exempt purchases and to assist retailers, sales people and cashiers in identifying exempt entities and easily determining whether a claim for exemption is valid, based on the exempt entity's status. Unless the seller already has it on file, if one of the entities listed on page 17 requests an exemption and they do not present the department-issued certificate or Form PR-78SSTA (providing the purchaser's Tax-Exempt Identification Number), the seller must deny the request. The department asks that you advise the purchaser to contact the department for guidance.

Please note that the Tax-Exempt Entity exemption certificate does not apply to farmers, to purchases by the federal government, or to the manufacturing and processing related exemptions, or other use-based exemptions. Also, the Tax-Exempt Identification Number is separate and apart from a Kansas Sales Tax Registration Number, format 004-XXXXXXXXXF-0X, required of anyone (including exempt entities) making retail sales of taxable goods, services or admissions in Kansas.

Sales to Exempt Entities not based in Kansas.

Many of the exemptions granted under K.S.A. 79-3606 and apply also to non-Kansas organizations. While a Kansas-based organization must provide its numbered certificate (or Form PR-78SSTA with the KDOR issued identification number provided) to make an exempt purchase of goods or taxable services in Kansas, many non-Kansas exempt organizations will not have been issued an Exempt Entity ID#. While encouraged to obtain a Kansas Exempt Entity ID# (visit our web site to apply), a non-Kansas exempt entity (such as a school located in another state) making a direct purchase in Kansas will simply need to complete an exemption certificate for the retailer. The Designated or Generic Exemption Certificate, Form ST-28, has been designed for this purpose. Also, the Form PR-78SSTA may be used.

ITEMS EXEMPT FROM SALES TAX

These items are enumerated in the law as exempt from sales tax:

Aircraft sales, parts, and repair services for carriers in interstate or foreign commerce; and repair, replacement & modification parts and service on all aircraft

Broadcasting equipment purchased by over-the-air free access radio and television stations to generate their broadcast signals

Drill bits & explosives used in the exploration of oil & gas

Drugs and pharmaceuticals sold to veterinarians

Farm machinery and equipment

Food sold to groups providing meals to the elderly and homebound, or sold by a nonprofit 501(c)(3) organization under a food distribution program that sells food below cost in exchange for community service

Integrated production machinery and equipment

Materials purchased by a community action group to repair or weatherize low-income housing

Medical supplies and equipment purchased by a nonprofit nursing home

Public health educational materials purchased by a nonprofit corporation for free distribution to the public

Railroad parts, materials, and services for railroad rolling stock used in interstate or foreign commerce

Rolling stock (trucks, buses, tractor-trailers, etc.), repair or replacement parts, and motor fuels purchased by ICC carriers

Warehouse machinery and equipment

Other items not taxed in Kansas include food stamp purchases, Child Nutrition Act (WIC) program purchases, lottery tickets, prescription drugs and insulin, and prosthetic and orthopedic appliances.

Prosthetic and Mobility Enhancing Equipment

A prosthetic or mobility enhancing equipment purchased by the individual for whom it was prescribed in writing by a licensed physician, chiropractor, optometrist, dentist, or podiatrist is not taxed (K.S.A. 79-3606(r)). Exempt devices and mobility enhancing equipment include canes, crutches, eyeglasses, orthodontic braces, prosthetic limbs and braces, wheelchairs, and accessories attached to motor vehicles, such as wheelchair lifts and specialized hand or foot controls. See NOTICE 04-05 for information on hearing aids.

Repair and replacement parts for prosthetic or mobility enhancing equipment are also exempt if you have the original prescription order on file. However, charges for labor services to repair them are taxable.

Sales of prosthetic and mobility enhancing equipment to doctors for their inventory, display or use in the performance of their duties are taxable.

NOTE: This exemption does not apply to hot tubs, whirlpools, motor vehicles, or personal property which when installed becomes a fixture to real property.

USES THAT ARE EXEMPT

Items may also be exempt from sales tax because of how they are used. Items that are ingredient or component parts or are consumed in the production of property or services that are later sold to the final consumer are exempt. These two exemptions are applicable to many types of businesses.



IMPORTANT: Contractors may NOT use the Consumed in Production or the Ingredient or Component Part exemptions to buy their materials.

Ingredient or Component Part

Items that become a part of a finished product to be sold to the final consumer are exempt as ingredient or component parts. In order to qualify the item must:

- be necessary and essential to the finished product,
- be used in or on the finished product,
- become a physical part of the finished product, and
- become an ingredient or compound part of property or service for retail sale.

As a *general* rule, if the item leaves with the product and is not returned for reuse by the manufacturer or retailer, it is an ingredient part. Examples include, but are not limited to:

- paper and ink for publishing newspapers and magazines;
- containers, labels, shipping cases, twine, and wrapping paper which are not returned to the manufacturer;
- food that will be prepared and sold as meals;
- paper bags, drinking straws, and paper plates used in food sales;
- feed for commercial livestock, and
- fertilizer used in the production of plants and plant products produced for resale.

To use the Ingredient or Component Part Exemption Certificate or Form PR-78SSTA, the buyer must have a Kansas sales tax account number OR a Kansas manufacturers' or processors' exemption number (see *Manufacturers and Processors herein*).

Consumed in Production

Like ingredient or component parts, items that are "consumed in production" must meet certain qualifications to be exempt. The item must be:

- necessary and essential to the process,
- used in the actual process,
- consumed or dissipated by the process within one year,
- used in the process of:
 - producing, manufacturing, processing, mining, drilling, refining or compounding of tangible personal property,
 - the treatment of by-products or wastes from any such production process,
 - the providing of services,
 - the irrigation of crops, or
 - the storage and processing of grain, and
- not reusable for such purposes.

Examples include utilities to power manufacturing machinery, or fertilizers and insecticides used in growing crops. Additional examples are in the Consumed in Production Exemption Certificate, Form ST-28C.

Exempt Agricultural Uses

Since many items used in agriculture are exempt either as ingredient or component parts or are consumed in production, these two exemptions are part of the Agricultural Exemption Certificate, Form ST-28F. Form PR-78SSTA may also be used. Other exempt agricultural uses are:

Agricultural animals (cattle, hogs, sheep, chickens, ostriches, etc.) and aquatic animals and plants. These are exempt when used in the production of food for human consumption; the production of animal, dairy, poultry, or aquatic plant and animal products, fiber, or fur; or the production of offspring for the above purposes. The purchase of pleasure animals or pets is taxable.

Agricultural Soil Erosion Prevention. Seeds, tree seedlings, chemicals, and services purchased and used for the purpose of producing plants to prevent soil erosion on land devoted to agricultural use are exempt from sales tax.

Propane for Agricultural Use. Propane used for an agricultural purpose is exempt from sales tax. Examples include propane to power farm implements or to provide heat for brooder or farrowing houses. Propane for recreational use, such as RVs and barbecue grills, is taxable.

THE UTILITY EXEMPTION

Utilities may be exempt from sales tax in much the same way as goods or services — certain buyers are exempt, and certain uses are exempt. As used here, “utilities” are electricity, gas, water or heat.

Buyers Who Are Exempt

The exempt buyers listed on page 6 do not pay sales tax on their utilities. *However*, when the state of Kansas, a political subdivision or a nonprofit hospital is also engaged in a taxable business, utilities used in that business are TAXABLE, unless the use itself qualifies for exemption. Exempt and taxable uses for political subdivisions and nonprofit hospitals are illustrated below.

City Electric Departments. *Exempt:* Utilities used to generate the electricity. *Taxable:* Utilities used to heat, cool and/or light the generating plant and/or administrative offices.

Nonprofit Hospitals. *Exempt:* Utilities used to provide medical services and nonprofit hospital administration; electricity/gas to operate grills and ovens in the public cafeteria. *Taxable:* Utilities used by a gift shop; water to clean a cafeteria open to the general public.

Nonprofit corporations who provide nursing or foster care for children, the elderly, or disabled may also be exempt from paying sales tax on their utilities. To qualify, the Court of Tax Appeals (COTA) must first have granted the nonprofit corporation an exemption from real estate property tax.

Exempt Utility Uses

Electricity, gas, water and heat used in these industries and ways are exempt from sales tax:

- Consumed in production
- Ingredient or component part
- Irrigation of crops
- Movement in interstate commerce
- Providing taxable services
- Severing of oil

NOTE: Agricultural and noncommercial residential use of electricity, gas or heat are exempt from the state sales tax, but are subject to any applicable local (city and/or county) sales tax in effect at the customer’s location. Agricultural and noncommercial residential use of water is exempt from both sale and local sales tax.

Use these general guidelines and illustrations to determine if a portion of the utilities used by your business is exempt. Unless part of an integrated production operation, utilities used to light, heat, cool, clean, or maintain equipment, buildings, or business facilities are TAXABLE.

Agricultural. *State Exemption:* Gas and electricity use related to farming or ranching, such as the electricity

needed to operate milking machines or to run a grain auger. (Local sales tax applies). Water use related to farming and ranching is exempt from both state and local sales tax.

Consumed in Production. The utility use must meet the consumed in production criteria on page 8. *Exempt:* Utilities used to operate tools and manufacturing machinery. *Taxable:* Utilities to light, heat or cool a nonproduction area.

Ingredient or Component Part. The utility use must meet the definition of an ingredient or component part on page 8. *Exempt:* Water to make soft drinks or other beverages. *Taxable:* Water used to clean vats and brewing equipment.

Irrigation of Crops. *Exempt:* Electricity or other power sources to run an irrigation pump or water applied to growing crops.

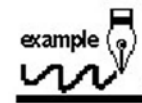
Movement in Interstate Commerce by Railroad or Public Utility. *Exempt:* Electricity or gas used to pump or push oil or gas through an interstate pipeline, provided the pipeline is registered with the Federal Energy Regulatory Commission. *Taxable:* Utilities used by non-interstate pipelines. Utilities used to operate railroad signal lights and switches;

Noncommercial Residential. *State Exempt:* Gas and electricity used in your home for nonbusiness purposes. (Local sales tax applies). *State & Local Exempt:* Water used in your home for nonbusiness purposes.



CONDOMINIUMS AND APARTMENT COMPLEXES. *State Exempt:* Gas and electricity used in the apartment or condominium for nonbusiness residential purposes (local sales tax applies). *State & Local Exempt:* Water used in the apartment or condominium for nonbusiness residential purposes.

Providing Taxable Services. To qualify, the service must be subject to sales tax. Utilities used by those who provide nontaxable services, such as a doctor, lawyer, accountant, or childcare center are TAXABLE.



HOTELS. *Exempt:* Utilities actually used in the rooms occupied by hotel guests. *Taxable:* Utilities for lobbies, conference rooms, hallways, administrative offices, swimming pools, and parking lots.


Severing of Oil. *Exempt:* Electricity or gas to power pumps that remove oil or gas from the ground. *Taxable:* Electricity or gas for lighting and other nonextraction purposes at the pump station.

Obtaining a Utility Exemption

To request an exemption for electricity, gas or water used in your business you must complete Form ST-28B, Statement for Sales Tax Exemption on Electricity, Gas or Water Furnished Through One Meter.

You will need to complete a form for each utility meter on which you are requesting an exemption. Follow these steps to obtain an exemption on your utility.

- 1) Using the instructions and examples that accompany the form, determine your exempt percentage. You may need the assistance of a plumber or electrician to complete the formula.
- 2) Give the original completed form to your utility company along with all the workpapers and documents used to compute your "Exempt Percent." Be sure to keep a copy of the form and your work papers for your records.
- 3) The utility company may forward your exemption request to KDOR for review before granting the exemption.
- 4) Once approved, the utility will grant the exemption.

 **IMPORTANT:** When there is a change in your "Exempt Percent," it is your responsibility to *immediately* file a revised utility exemption form with your utility provider.

SPECIAL SITUATIONS

CONTRACTORS

A contractor, subcontractor, or repairman (hereafter referred to as "contractor") is any person who agrees to furnish and install parts or materials, or performs the labor service of installing the parts or materials for a specified price. Contractors are considered to be the final user or consumer of their materials and must, therefore, pay sales tax on them when purchased from their vendors.

A retailer/contractor is a contractor who **maintains an inventory of materials**. Examples of retailer/contractors are building, electrical, and plumbing supply houses that not only sell to the final consumer but also perform construction or installation work.

This distinction between a contractor and a retailer/contractor only determines **when** sales tax is paid on materials. Materials are **always** taxable unless purchased with a Project Exemption Certificate (opposite column).

A **contractor** must pay sales tax on all supplies and materials when buying them from the supplier. If the supplier is an out-of-state retailer, a contractor will pay Consumers' Compensating Use Tax on the supplies and materials (see "Compensating Use Taxes" herein). Contractors *cannot* use a Resale Exemption Certificate to buy their materials and supplies without sales tax.

A **retailer/contractor** must either collect sales tax when the merchandise is sold at retail or self-accrue the

tax due when materials are removed from its tax-exempt resale inventory for a contract job. (See "*Paying Tax on Personal Use of Inventory*" herein.) Retailer/Contractors will use the Contractor-Retailer Exemption Certificate, Form ST-28W, to purchase their inventory. Form PR-78SSTA may also be used.

Labor Services

The services of **installing, applying, servicing, repairing, altering, or maintaining** tangible personal property are subject to sales tax. This includes work performed on tangible personal property that, once installed or applied, becomes a part of real property. However, the labor services of "installing" or "applying" are not taxable when performed in connection with the "original construction" of a building or facility. "Original construction" is defined as the:

- ◆ first or initial construction of a new building or **facility**,*
- ◆ addition of an entire room or floor to an existing building or facility,
- ◆ construction, reconstruction, repair, replacement, remodeling or renovation of a **residence**,**
- ◆ restoration, reconstruction, or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake***,
- ◆ completion of any unfinished portion of an existing building or facility, or
- ◆ construction, reconstruction, restoration, replacement, or repair of a bridge or highway.

* A **facility** is a mill, plant, or refinery; oil, gas, or water well; feedlot; and a transmission and distribution line owned by a REA or municipality.

** A **residence** includes all types of dwellings where individuals customarily live — homes, apartments, nursing homes, etc.

*** **Utility structure** shall mean transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility. A **windstorm** shall mean straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization.

When a subcontractor is performing taxable labor services for a general contractor, the subcontractor must charge sales tax to the general contractor. A contractor may NOT use a Resale Exemption Certificate to purchase the labor services of another contractor without tax.

PROJECT EXEMPTION CERTIFICATES

A Project Exemption Certificate (PEC) is a numbered document issued only by the Kansas Department of Revenue or its authorized agent (See "Agent Status", herein).

As the name implies, a PEC exempts the entire project — materials and labor — from sales tax. Two types of projects

may receive a project exemption. Projects for entities who are exempt, and certain economic development projects.

The following exempt **entities** qualify to use Form PR-76 to request a Project Exemption Certificate or apply on-line for most construction, remodel, or repair projects:

- Kansas political subdivisions
- Nonprofit hospitals
- Nonprofit schools & educational institutions
- Nonprofit zoos
- Primary care clinics and health centers
- Religious organizations
- U. S. Government and its agencies

Form PR-78SSTA may also be used, however, the purchaser must provide the Department issued Project Exemption Certificate Number on that form.



CAUTION: The state of Kansas and its agencies **DO NOT** qualify for Project Exemption Certificates (except state of Kansas correctional institutions including a privately constructed correctional institution contracted for state use and ownership). Materials purchased by contractors for a state of Kansas project are taxable. Only direct purchases by the state of Kansas or its agencies are sales tax exempt - using their KDOR issued Tax-Exempt Entity Exemption Certificate (or Form PR-78SSTA containing the Tax-Exempt Entity Identification Number issued by the Department).

ECONOMIC DEVELOPMENT. A project may also qualify for a Project Exemption Certificate because it is an economic development project. The qualifications are outlined in the request form PR-70b (found herein).



IMPORTANT: Project Exemption Certificates are dated and are not retroactive. All materials purchased and all taxable labor services performed prior to the effective date of the Project Exemption Certificate or after the expiration date are taxable. Project exemptions apply only to one specific project and expire upon completion of that project.

Agent Status for Project Exemption Certificates

Certain exempt entities may request “Agent Status” when applying on-line for Project Exemption Certificates (PEC). “Agent Status”, once granted, will allow the following entities to complete the application on-line and be immediately approved for a PEC. The applicant can then print the PEC and supply it to contractors working for them. This Agent Status authority is limited to: State of Kansas Correctional Institutions, Kansas Political Subdivisions, Nonprofit Hospitals and Nonprofit Schools and Education Institutions.

Project Exemption Steps

The following chronological steps illustrate how a Project Exemption Certificate is requested, issued and used by the project’s owner, contractors and suppliers.

- 1) A qualifying entity (petitioner) completes a request for project exemption by completing a paper application (found herein) or by applying on-line at **www.ksrevenue.org**. Agent Status PECs must be completed on-line in order that the petitioning authority be able to immediately print a PEC.

- 2) KDOR receives and approves or denies the request (Agent Status on-line applications are approved automatically).
- 3) If approved, KDOR issues a numbered Project Exemption Certificate to the petitioner. Agent Status – able to immediately print a PEC once the on-line application is completed.
- 4) The petitioner furnishes the numbered Project Exemption Certificate (or Form PR-78SSTA containing the Project Exemption Certificate Number issued by the Department) to the contractors and subcontractors for the job.
- 5) Contractors and Subcontractors furnish the numbers certificate (or Form PR-78SSTA including the Project Exemption Certificate Number issued by the Department) to their suppliers.
- 6) Suppliers should put the certificate number on all project invoices to verify the sale of materials and/or labor is exempt.
- 7) When the project is complete, contractor(s) must furnish the Project Completion Certification (found herein) to the petitioner with a copy to KDOR.
- 8) Contractor(s) keep all project invoices for five years.

MANUFACTURERS AND PROCESSORS

Manufacturers and processors are eligible to purchase their raw materials or parts exempt from sales tax. However, if they do not also sell to the final consumer and have a tax account number, they will not be able to provide a Kansas Retailers’ Sales tax account number that is required in order to use the Ingredient or Component Part exemption certificate.

To remedy this situation, the department issues a Manufacturers’ or Processors’ Sales Tax Exemption Certificate Number to those manufacturers and processors that **never** make a retail sale, and therefore do not have a sales tax account number. To apply, complete Form ST-90, Application for Manufacturers’ or Processors’ Sales Tax Exemption Certificate Number, or apply on-line. Use this number on the Ingredient or Component Part Exemption Certificate or Form PR-78SSTA when buying raw materials.



CAUTION: Manufacturers and processors who make sales to the final user or consumer must be registered to collect sales tax on these sales. Often these sales are to their employees – a the sale of factory seconds or first-quality products at discount.

WHOLESALEERS

A wholesaler is a company that sells *only* to other wholesalers or to retailers registered for sales tax. A wholesaler by definition **never** sells to the final consumer (retail sale).

Kansas wholesalers are not required to register with the Department of Revenue to collect sales tax.

However, an exemption certificate must accompany wholesale sales. When a wholesaler sells to a Kansas

the department. This policy library contains the Kansas Statutes and Regulations, Revenue Notices, Revenue Rulings and other written advice issued by the department. Opinion Letters and Private Letter Rulings are also included, but are “scrubbed” to protect the privacy of the taxpayer — any information that would identify the taxpayer, such as name, address, product, etc., is blanked out.

Key Statutes and Regulations

The information in this guide is based on these statutes and regulations and others cited are in the text. They are a part of the policy library on our web site.

- K.S.A. 79-3602 – Sales tax definitions
- K.S.A. 79-3603 – Taxing statute
- K.S.A. 79-3606 – Exempting statute
- K.S.A. 79-3651 – Exemption certificates
- K.A.R. 92-19-25b – Exemption certificates
- K.A.R. 92-19-66e – Project Exemption certificates

RELATED TOPICS

AUDIT ISSUES

Your sales tax records, including exemption certificates, are subject to audit by the Department of Revenue. If your exemption certificates are found to be missing or incomplete during an audit, you have **only 120 days** from notice by the Director of Taxation to obtain completed exemption certificates for these sales. (K.S.A. 79-3609(a)).

Since our audits usually cover a three-year period, this task can be very time-consuming. If you cannot locate the customer or he refuses to comply, you may become liable for the sales or use tax due on that sale, plus penalty and interest.



Avoiding Common Errors. Here are some of the most common exemption certificate errors we find during an audit with tips on how to correct or avoid making these mistakes.

An exemption certificate is incomplete.

Completing every blank on the certificate designed for that exemption will help to avoid most errors of omission. All exemption certificates must have the name of the seller, the name and address of the purchaser, the reason it is exempt, and be signed and dated by the purchaser.

The resale, retailer/contractor, tire excise, and dry cleaning exemption certificates must also show a Kansas tax registration number for that tax type. Exemption certificates for nonprofit organizations require the exempt entity’s tax identification number.

A resale exemption certificate was accepted that does not show a Kansas sales tax registration number.

A resale exemption certificate that is missing the purchaser’s Kansas registration number is incomplete and, therefore, not acceptable. Furthermore, a retailer cannot accept an exemption certificate from a purchaser who does not provide a Kansas sales tax registration number except when the out-of-state purchaser for resale is having the item drop shipped to a customer in Kansas. Wholesalers and out-of-state retailers should use the Multi-Jurisdiction Exemption Certificate, Form ST-28M or Form PR-78SSTA, when buying their resale inventory in Kansas.

Tax-free sales are made to a buyer that provides only a Kansas sales tax number.

A retailer cannot exempt a sale from tax simply because the customer provides a Kansas sales tax number or a copy of a certificate of registration. A completed resale exemption certificate (or Form PR-78SSTA) must also be obtained. (See page 4, “Resale Exemption Certificate Requirements”).

A retailer fails to remit sales tax to the state because the customer crossed the tax off the bill without providing a completed exemption certificate.

A retailer is still responsible for obtaining an exemption certificate *even when* the customer refuses to pay the tax. In the absence of a completed exemption certificate, the sale is taxable, and the sales tax is due.

Failure of contractors to pay tax on materials used in a project for an other exempt entity (such as a school, nonprofit hospital, religious organization, the federal government) that did not obtain a Project Exemption Certificate.

A contractor is responsible for paying the sales tax on all materials used in performing labor services, unless working under a Project Exemption Certificate issued by the Department of Revenue or its authorized agents (see pages 10-11). When the exempt entity has not obtained a project exemption number, materials purchased or furnished by its contractor(s) are taxable.

LOCAL SALES TAX

Each Kansas county or city has the authority to levy a local sales tax. When levied, a local sales tax rate is added to the statewide sales tax. The resulting total is collected from the consumer and then sent by the retailer to the Kansas Department of Revenue. Unless otherwise noted, a sales tax exemption exempts the sale from the state, city, county and special taxing district sales taxes. A list of all the combined state and local tax rates, Sales Tax Jurisdiction Code Booklet, Pub. KS-1700, is available from our web site.

OUT OF STATE SALES

Kansas sales tax law applies only within the boundaries of Kansas. When goods or merchandise are shipped or delivered outside of Kansas (and not returned to a point in Kansas), Kansas sales tax is not due. Out-of-state delivery may be made by the seller, a common carrier, or through the mail.

Since these sales are a deduction on your sales tax return like an exempt sale, your books and records must show the merchandise was delivered outside Kansas. Acceptable proof of an out-of-state sale is a:

- Waybill or bill of lading, showing delivery to another state,
- Post office, insurance, or registry receipt,
- Trip sheet signed by the seller's delivery agent, showing the address and signature of the person outside Kansas who received the merchandise.

When goods or merchandise are delivered to a buyer in Kansas, Kansas sales tax is due even though the buyer may later transport the property out of Kansas. See page 4 for a discussion of drop shipments.

NOTE: If you have established a physical presence or "nexus" in another state, you may be required to register for that state's sales or use tax. See "What is Nexus?"

COMPENSATING USE TAXES

Sales tax exemption certificates may also be used to claim exemption from compensating use tax. Compensating use tax applies to purchases of goods from businesses in other states. The purpose of use tax is to protect Kansas businesses from unfair competition from businesses in other states that may not charge tax. The use tax rate is the same as the state and local sales tax rate in effect where the item is used, stored or consumed. There are two types of use tax: Consumers' Compensating Use Tax and Retailers' Compensating Use Tax.

Consumers' Compensating Use Tax

Consumers' compensating use tax is due when goods or merchandise are purchased *outside* Kansas for use, storage, or consumption (not resale) *in* Kansas, and a sales tax equal to the state and local sales tax rate in effect where the item is used, stored or consumed, has not been paid. The tax applies whether the item is shipped into Kansas or purchased outside of Kansas and brought back into Kansas. For Kansas businesses, use tax is due when equipment, fixtures and supplies are purchased from another state without tax. Consult Publication KS-1700, Sales Tax Jurisdiction Code Booklet, for sales/compensating tax rates by alphabetical listing of cities and counties. Sales/compensating tax rates for specific addresses may be obtained at the department's on-line sales/compensating use tax rate locator - www.ksrevenue.org.



A Topeka Kansas hotel needs to replace its worn out linens and room furniture. The hotel buys them from a Texas company; sales tax is not charged on the invoice. This hotel would owe the compensating use tax rate in effect where the hotel is located (Topeka) on the total delivered price (including shipping, handling, freight or delivery charges) of the linens and furniture.

Retailers' Compensating Use Tax

Out-of-state retailers collect this use tax on merchandise they deliver or ship to their Kansas customers. Retailers in other states are required to register and collect the Kansas Retailers' Compensating Use tax from their Kansas customers if they have a physical presence in Kansas or have established "nexus."

What is Nexus?

Nexus is defined as a "means of connection" or a "link;" it means you have a business presence for tax purposes. What constitutes nexus varies from situation to situation. Some of the ways that a business may establish nexus in Kansas are listed below.

- Kansas business location, including an office.
- The presence in Kansas of sales or service representatives.
- Operation of mobile stores in Kansas (example: trucks with driver salespersons).
- Stocking inventory in a Kansas warehouse or on consignment.
- Providing tangible personal property for lease or rental in Kansas.
- Delivering merchandise to Kansas customers using company vehicles or contract carriers, rather than interstate common carriers.
- Providing or contracting for installation, repair, construction, or other services in Kansas. (Maintenance contracts require a Kansas Retailers' Sales tax registration).

If you are a retailer in another state, and any of the above describes your business activity in Kansas or the activities of your agents, you are required to register and collect the appropriate Retailers' Sales or Compensating Use Tax from your Kansas customers.



A Kansas resident orders a personal computer from a Illinois retailer, which is shipped to him from its warehouse in St. Louis. The Illinois retailer also maintains a retail outlet in Kansas. This out-of-state retailer is **required** to collect and remit Kansas Retailers' Compensating Use tax on this sale.



A Kansas resident orders furniture from a Nebraska retailer. The retailer delivers the furniture to her home in Kansas using its own delivery vehicle. This Nebraska retailer is **required** to register with the Kansas Department of Revenue to collect Kansas Retailers' Compensating Use tax, since the delivery of the furniture into Kansas with a company vehicle has established nexus.

Similarly, a Kansas retailer may establish “nexus” in another state in these same ways. If any of the “nexus” activities listed on the previous page describe your business activity in another state, you should contact that state to register to collect the sales/use tax from your customers in those states. If you fail to register in those states, you may become liable for the taxes that were not collected on your sales.

Additional information about Kansas use taxes, including sample completed returns for individuals and businesses is in our Publication KS-1510, Kansas Sales and Compensating Use Tax. All retailers operating in Kansas should obtain a copy of this booklet; it is available from our office or web site.

USING EXEMPTION CERTIFICATES

On the following pages in alphabetical order are the exemption certificates currently provided by the Department of Revenue for the specific exemptions in Kansas sales tax law. The certificates are designed to be reproduced directly from this book. They may also be downloaded from our web site.

BEFORE ACCEPTING ANY CERTIFICATE, carefully read the exemption statement and the accompanying explanation and instructions. Most certificates contain a restatement of the Kansas law (K.S.A. — Kansas Statutes Annotated), or regulation (K.A.R. — Kansas Administrative Regulations) that established the exemption.



IMPORTANT: If your customer or the purchase does not fit the definition or the exempt examples given in the certificate, the sale is most likely not exempt.

COMPLETING THE CERTIFICATE

Follow these three rules when completing any exemption certificate.

1) Print or type all information, except for the authorized signature.

The information on the certificate must be legible both to you and to our auditors. Do not print a signature, although it is often helpful to print or type the name below the signature.

2) Fill in all the blanks.

A certificate is complete only when all the requested information is provided. Addresses must include the street or PO Box, city, state, and zip code.

An exemption certificate is also not complete unless the customer supplies the appropriate tax account numbers required by the certificate. On the resale exemption certificate, the seller may request a copy of the buyer's sales tax certificate of registration.

PENALTIES FOR MISUSE

A buyer who issues an exemption certificate in order to unlawfully avoid payment of the sales tax for business or personal gain is guilty of a misdemeanor, and upon conviction may be fined up to \$1,000 or imprisoned for up to a year, or both. When a buyer is found to have used a Resale Exemption Certificate to avoid payment of the tax, the director may also increase any penalty due on the tax by \$250 or 10 times the tax due, whichever is greater, for each transaction where the misuse of a Resale Exemption Certificate occurred. (K.S.A. 79-3651(g)).

Kansas Department of Revenue

Sales and Use Tax Entity Exemption Certificate

The Kansas Department of Revenue certifies this entity is exempt from paying Kansas sales and/or compensating use tax as stated below.

Kansas Exemption Number: <KS12345678>

Expiration Date: <MM/DD/YYYY>

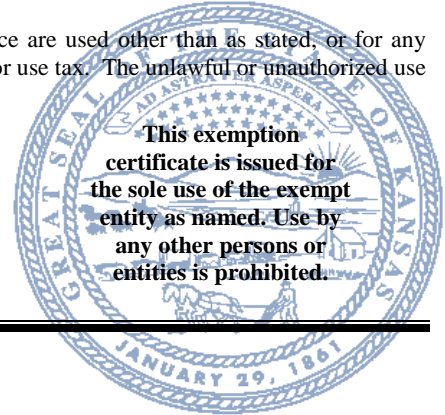
The tax-exempt entity understands and agrees that if the tangible personal property and/or service are used other than as stated, or for any purpose that is not exempt from the tax, the tax exempt entity is liable for the state and local sales or use tax. The unlawful or unauthorized use of this certificate is expressly prohibited, punishable by fine and/or imprisonment.

<Petitioning Authority>

<Address Line 1>

<Address Line 2>

<City State Zip>



EXEMPT ENTITY INFORMATION:

Authorization and scope:

- K.S.A 79-3606(c) & (d) - Public or Private Elementary or Secondary Schools or Nonprofit Educational Institutions.
- Exemption applies to all direct purchase, rental or lease of tangible personal property and services, except purchases of goods for human habitation and indirect purchases by a contractor for a real property project.

Limitations:

- Only direct purchases are exempt through the use of this certificate.
- This entity qualifies for exemption on indirect purchases by a contractor through the issuance of a Project Exemption Certificate (PEC). PECs should be obtained from the department prior to the start of the project. Apply on-line at KDOR's web site: www.ksrevenue.org
- This exemption does not apply to the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the exempt entity.
- Subject to sales tax are purchases of capital goods used for human habitation (i.e. residential housing and dormitories) to include materials for construction, remodeling or repair and furnishings such as beds, curtains, desks and furniture. Labor services on dormitories are exempt as residential construction.

Exempt Entity Authorized Signature (Officer, Office Manager or Administrator)

Federal ID Number

Printed Name

Date

RETAILER INFORMATION:

- To qualify for exemption, the certificate must have an expiration date in the future and be signed by an authorized individual.
- Payment must be made by the entity on their checking account or on a credit/debit card issued to the entity. Acceptance of cash, personal checks, or personal credit/debit cards is not allowed for a tax exempt purchase.
- The entity must have a Kansas exemption certificate. Exemption certificates issued by other states are not valid in Kansas.
- Retailers are required to maintain a copy of the purchaser's certificate in their records for at least 3 years from the date of purchase. Retailers must maintain a current certificate on file.
- Selling tax exempt goods or services that are not exempt by statute may result in the assessment of tax.
- A completed certificate may be used as a blanket exemption for future purchases when of the same type and for the same exempt purpose.

Seller's name and address

Description of goods and/or services purchased

For additional information on Kansas sales and use taxes see Publication KS-1510, *Kansas Sales Tax and Compensating Use Tax* and Publication KS-1520, *Kansas Exemption Certificates*, located at: www.ksrevenue.org Questions would be directed to Taxpayer Assistance at 785-368-8222.

The following entities and organizations are now authorized to receive a Tax-Exempt Entity Exemption Certificate from the Kansas Department of Revenue. (See sample on previous page.)

State of Kansas and its agencies	CHWC, Inc. (effective 7/1/2006)
Kansas political subdivisions – cities, counties, townships school districts	Cross-lines Cooperative Council (effective 7/1/2006)
Nonprofit hospitals	Dreams Work, Inc. (effective 7/1/2006)
Nonprofit blood, tissue and organ banks	KSDS, Inc. (effective 7/1/2006)
Nonprofit educational institutions (colleges, universities, trade schools, etc. providing education above grade 12)	Lyme Association of Greater Kansas City, Inc. (effective 7/1/2006)
Elementary and secondary schools	Dream Factory, Inc. (effective 7/1/2007)
Kansas groundwater management districts	Ottawa Suzuki Strings, Inc. (effective 7/1/2007)
Rural water districts and water supply districts	International Association of Lions Clubs (effective 7/1/ 2007)
Port authority	Johnson County Young Matrons, Inc. (effective 7/1/2007)
Nonprofit nursing home, assisted living facility, interim care home	American Cancer Society, Inc. (effective 7/1/2007)
Nonprofit, nonsectarian, comprehensive youth development organizations	Community Services of Shawnee, Inc. (effective 7/1/2007)
Community-based mental retardation facilities or mental health centers	Angel Babies Association (effective 7/1/2007)
Nonprofit public health corporations	Habitat for Humanity for housing project materials
Community action groups/agencies for weatherization of low-income homes	Free-Access Radio and TV Stations
Nonprofit museums	Religious Organizations
Nonprofit historical societies	Primary care clinics and health centers serving the medically underserved
Nonprofit zoos	Kansas Academy of Science
Public broadcasting stations (radio and TV)	Domestic violence shelters that are members of the Kansas Coalition against Sexual and Domestic Violence (KCSDEV), (effective 1/1/2005)
Nonprofit organizations building Kansas Korean War Memorials	Kansas Bioscience Authority (effective 7/1/2004)
Parent-Teacher Associations and Organizations	Special Olympics Kansas, Inc. (effective 7/1/2006)
Contractors preparing meals for the homebound elderly, disabled, indigent or homeless (i.e., Meals on Wheels)	Marillac Center, Inc. - purchases of tangible personal property only (effective 7/1/2006)
Rural volunteer fire fighting organizations	West Sedgwick County - Sunrise Rotary Club and Sunrise Charitable Fund (effective 7/1/2006)
Kansas chapters of these Organizations:	County Law Libraries (effective 7/1/2006)
American Heart Association	501(c)(3) Homeless Shelters (effective 7/1/2006)
Kansas Mental Illness Awareness Council	Jazz In The Woods, Inc. (effective 7/1/2007)
American Diabetes Association, Kansas Affiliate	Frontenac Education Foundation (effective 7/1/2007)
American Lung Association	Rotary Club of Shawnee Foundation (effective 7/1/2007)
Kansas Alliance for the Mentally Ill	Victory In The Valley, Inc. (effective 7/1/2007)
Alzheimer's Disease and Related Disorders Assn., Inc.	Booth Theatre Foundation, Inc. (effective 7/1/2007)
Parkinson's disease association	TLC Charities Foundation, Inc. (effective 7/1/2007)
National Kidney Foundation (of KS and Western MO)	Wayside Waifs (effective July 1, 2008)
Heartstrings Community Foundation (effective 1/1/2005)	Goodwill Industries Easter Seals of Kansas (effective May 28, 2009)
The Cystic Fibrosis Foundation, Heart of America Chapter (effective 1/1/2005)	Goodwill Industries of Kansas, Inc. (effective May 28, 2009)
Spina Bifida Association (effective 1/1/2005)	All American Beef Battalion, Inc. (effective May 28, 2009)
	Kansas Fairgrounds Foundation (effective May 28, 2009)
	Sheltered Living, Inc. (effective May 28, 2009)

KANSAS DEPARTMENT OF REVENUE
AGRICULTURAL EXEMPTION CERTIFICATE

The undersigned purchaser certifies that the tangible personal property or service purchased from:

Seller: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

is exempt from Kansas sales and compensating use tax for the following reason (check one box):

- Ingredient or component part Consumed in production Propane for agricultural use
- The property purchased is farm or aquaculture machinery or equipment, repair or replacement parts, or labor services on farm or aquaculture machinery or equipment which will be used exclusively in farming, ranching, or aquaculture.
- Seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides, fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use.

Description of tangible personal property or services purchased: _____

The undersigned understands and agrees that if the tangible personal property or services are used other than as stated above or for any other purpose that is not exempt from sales or compensating tax, the undersigned purchaser becomes liable for the tax.

Purchaser: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

Authorized Signature: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

WHO MAY USE THIS CERTIFICATE? Farmers, ranchers, feedlots, fisheries, grass farms, nurseries, Christmas tree farms, custom cutters, crop dusters, and others engaged in farming, ranching, aquaculture, or farm and ranch work for hire are entitled to this exemption.

WHAT PURCHASES ARE EXEMPT? This certificate contains five separate exemptions. Examples of items or uses that are exempt, and those that are taxable are given for each exemption. In addition to meeting the definition for an "ingredient or component part" or the "consumed in production" exemption, items purchased with this certificate must be used exclusively in agriculture or aquaculture to produce a product for resale — food, fiber, fur, or offspring for such purposes.

RETAINING THIS CERTIFICATE: Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

INGREDIENT OR COMPONENT PART: EXEMPT: Wheat, corn, milo, soybean, and sunflower seed used to produce these crops; feed for beef or dairy cattle, sheep and hogs, ground grain for chickens in a poultry or egg-laying operation; food for aquatic plants and animals (fish); baler twine, baler wire and bale wrap used on hay that will be resold or used in the farmer or rancher's own livestock production operation. TAXABLE: Bedding plants and seeds for a home garden; or food for pets and pleasure animals.

CONSUMED IN PRODUCTION: EXEMPT: Insecticides, herbicides, fungicides, fumigants, germicides, pesticides, and other such chemicals used on growing agricultural crops for resale or used in the processing or storage of fruit, vegetables, feeds, seeds, and grains; antibiotics, biologicals, pharmaceuticals, vitamins, minerals, and like products which are fed, injected, or otherwise applied to livestock for resale; off-road diesel fuel, oil, and oil additives consumed by farm tractors and combines; LP gas for agricultural use. TAXABLE: Insecticides and the like purchased for use in a home garden; antibiotics, vitamins, etc. purchased for pets or pleasure animals; fuels, oils, for cars, trucks, and ATVs.

PROPANE FOR AGRICULTURAL USE: EXEMPT: Propane used to operate farm machinery. TAXABLE: Propane for non-agricultural use, including for barbecue grills, campers, RV equipment and vehicles licensed to operate on public highways.

FARM OR AQUACULTURE MACHINERY AND EQUIPMENT: To qualify, the machinery or equipment must be used **ONLY** in farming, ranching, the operation of the feedlot or nursery, farm or ranch work for hire, or aquaculture. The exemption applies to the rental or purchase of farm or aquaculture machinery and equipment, as well as the parts and labor purchased to repair or maintain the farm or aquaculture machinery and equipment. EXEMPT: Combines, discs, farm tractors, harrows, hay balers, irrigation and milking equipment, planters, plows, tillers, and work-site utility vehicles (see NOTICE 06-02). TAXABLE: Air compressors and tanks, all terrain vehicles (ATVs), automobiles and trucks, barn ventilators, building and electrical materials, bulldozers, fencing materials and tools, garden hoses, grain bins, hand tools, lawnmowers, silos, water and gas wells, welding equipment, and any equipment that becomes a part of a building, facility, or land improvement.

SEEDS AND TREE SEEDLINGS: All components of a shelter belt or wind break planted on **agricultural land** are exempt from sales tax. This includes the trees, fertilizers, pest control chemicals, moisture/weed barrier and staples, and above ground irrigation equipment. Furthermore, all services related to the planting or caring of the trees planted on **agricultural land** are exempt from sales tax.

Note: See Publication KS-1550, Kansas Sales & Use Tax for the Agricultural Industry, at www.ksrevenue.org for additional information.

**KANSAS DEPARTMENT OF REVENUE
AIRCRAFT EXEMPTION CERTIFICATE**

The undersigned purchaser certifies that the tangible personal property or service purchased from:

Seller: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

is exempt from Kansas sales and compensating use tax for the following reason:

K.S.A. 79-3606(g) exempts all sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft, for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft.

Description of tangible personal property or services purchased: _____

Tail Number of Aircraft: _____

The undersigned understands and agrees that if the property or services are used other than as stated above or for any other purpose that is not exempt from sales or compensating tax, the undersigned purchaser becomes liable for the tax.

Purchaser: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

Authorized Signature: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

WHO MAY USE THIS EXEMPTION?

The U.S. government and any of its agencies, foreign governments and their agencies, domestic airlines, foreign airlines, and charter companies qualify for this exemption. Persons licensed in interstate commerce (such as those licensed under a FAA part 135, air taxi certificate) also qualify for this exemption. A licensed or certified carrier of persons or property engaged in interstate or foreign commerce is exempt even though the aircraft never leaves Kansas (all flights are intrastate). The exemption also applies to sales made through an authorized agent of the air carrier for the eventual use in interstate or foreign commerce. Effective January 1, 2005 sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of all aircraft are exempt from Kansas retailers' sales and compensating use taxes.

WHAT PURCHASES ARE EXEMPT?

A purchaser meeting the above definitions may purchase new, used, rebuilt or modified aircraft, all repair or replacement parts, and the labor services to build, modify or repair any aircraft exempt from sales tax. In other words, a qualified purchaser may have a plane built, remanufactured, modified or repaired in Kansas, and all aspects of the sale are exempt from sales tax with this exemption certificate. Aircraft, repair parts and labor, and oil and gas are also exempt when the aircraft is used exclusively for resale, rental, or leasing purposes.

WHAT SALES ARE TAXABLE?

Persons and businesses whose aircraft is used for personal, company, recreational, or instructional purposes are NOT exempt and cannot use this exemption certificate to purchase aircraft. The January 1, 2005 amendment exempts only the repair parts and services. Purchasers must pay sales tax on the purchase price of aircraft. Those not licensed in interstate or foreign commerce are considered to be the final consumer of the aircraft and must pay sales tax when buying the aircraft and on purchases of aviation fuel and oil.

RETAINING THIS CERTIFICATE

Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

KANSAS DEPARTMENT OF REVENUE
CONSUMED IN PRODUCTION EXEMPTION CERTIFICATE

The undersigned purchaser certifies that the tangible personal property or service purchased from:

Seller: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

is exempt from Kansas sales and compensating use tax for the following reason:

K.S.A. 79-3606(n) exempts all sales of tangible personal property consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treatment of waste or by-products derived from any such production process, the providing of services, or the irrigation of crops for ultimate sale at retail within or without the state of Kansas.

Description of tangible personal property or services purchased: _____

The undersigned understands and agrees that if the tangible personal property or services are used other than as stated above or for any other purpose that is not exempt from sales or compensating tax, the undersigned purchaser is liable for the tax.

Purchaser: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

Authorized Signature: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

WHO MAY USE THIS EXEMPTION? Any business buying goods or merchandise that qualifies as "property which is consumed" will use this certificate. Whether the item qualifies for exemption is determined by **how the item is used** in production or processing. An item may be taxable for one use and exempt for another use, even though purchased by the same consumer. Each item and its use must be separately measured against the definition to determine if the sale is taxable or exempt.

WHAT IS "PROPERTY WHICH IS CONSUMED?" To be exempt, the item must be essential and necessary to the process, used in the actual process, not reusable and be consumed, depleted or dissipated within one year. The fact that property may be used for only one production or processing activity and then discarded, or that it becomes obsolete or worthless in a short time is not the determining factor. Items that break, depreciate, wear out or become obsolete, even in a very short time, may not qualify to be exempt as "consumed in production." Included as a process qualifying for the exemption is the storage or processing of grain by a public grain warehouse or other grain storage facility.

EXAMPLES: The following are exempt as "property which is consumed" when used in these industries or applications.

- Liquid oxygen used in the production of fiberglass.
- Diesel fuel and oil, drilling fluids, and chemicals (such as acid and drilling mud) that are consumed in drilling wells.
- Coal used to generate electricity.
- Graphite, E.D.M. oil, and abrasives consumed in manufacturing die impressions, forge dies and forgings.
- Refrigerant used in the production of aircraft.

PROVIDING OF SERVICES: The term "service" in the law above refers only to TAXABLE services. Businesses providing services that are not taxable (such as accountants, doctors, lawyers, architects, etc.) must pay sales tax on items purchased for their business, and may not claim any exemption from sales tax.

CONTRACTORS: This certificate may NOT be used by contractors to purchase their materials. All materials and parts purchased by contractors, subcontractors, and repairmen to be incorporated into any structure or consumed in altering, servicing, repairing, or maintaining personal property (or personal property that has been attached to real property) are TAXABLE unless a Project Exemption Certificate has been furnished to the contractor by the customer.

RETAINING THIS CERTIFICATE: Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

KANSAS DEPARTMENT OF REVENUE
DIRECT MAIL SOURCING CERTIFICATE

K.S.A. 79-3672 provides that the purchaser of direct mail that is not a holder of a direct pay permit must provide in conjunction with the purchase, information to show the sales tax jurisdictions to which the direct mail is delivered to recipients or this direct mail certificate. By providing this certificate, the seller is relieved of all obligations to collect, pay or remit the applicable tax and the purchaser is obligated to pay and remit the applicable state and local sales tax on a direct pay basis to the Kansas Department of Revenue. This direct mail sourcing certificate will remain in effect for all future purchases from the vendor until revoked in writing.

In lieu of providing the seller with information to show the sales tax jurisdictions to which the direct mail is delivered to recipients, the undersigned purchaser will pay directly to the department the state and local sales tax due on the direct mail services purchased from:

Direct Mail Seller: _____
Name of Direct Mail Seller

Address: _____
Street, RR, or P. O. Box City State Zip + 4

The undersigned purchaser understands and agrees that by providing this completed certificate to the seller, the undersigned purchaser becomes obligated and liable for the applicable state and local sales tax due based on the jurisdictions to which the direct mail is delivered to recipients. This form and the resulting tax obligation to the purchaser for the Kansas sales tax will remain in force and in effect on or after the date shown herein until it is revoked in writing.

Purchaser: _____
Business Name

Purchaser's Type of Business: _____
Describe business activity and/or principal product(s) manufactured or processed

Address: _____
Street, RR, or P. O. Box City State Zip + 4

Purchaser's Kansas Sales Tax Account Number**: _____

Authorized Signature: _____ Date: _____

Printed Name: _____ Title: _____

****Note to Seller: DO NOT accept this form from a purchaser unless a Kansas Sales Tax Account Number with which to report and pay the sales tax is shown.**

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

WHO MAY USE THE DIRECT MAIL SOURCING CERTIFICATE? The state and local Kansas sales tax due on a direct mailing is based on the location of the recipient of the mailing (called "destination" based sourcing). Because of the multiple jurisdictions that may be covered by one mailing, the buyer of a direct mailing that does not have direct pay authority (see below) is obligated to provide the direct mail seller with either:

- 1) the sales tax jurisdictions that the mailing is going to so that the seller will charge the correct amount of state and local sales tax based on the jurisdiction of each recipient; OR
- 2) in lieu of providing the information and paying the applicable tax to the seller, the purchaser of direct mail may instead present to the seller a direct mail certificate and agree to pay the applicable sales tax due directly to the Kansas Department of Revenue on its sales tax return, Form ST-36.

DIRECT PAY AUTHORITY. Purchasers who have been issued a direct pay permit by the Kansas Department of Revenue do not need to complete this form. However, they do need to provide the direct mail seller with documentation (a copy of the direct pay permit) of their direct pay authority.

RETAINING THIS CERTIFICATE. Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

KANSAS DEPARTMENT OF REVENUE
DESIGNATED OR GENERIC EXEMPTION CERTIFICATE

The undersigned purchaser certifies that the tangible personal property or service purchased from:

Seller: _____
Business Name

Business Address: _____
Street, RR, or P.O. Box City State Zip + 4

is exempt from Kansas sales and compensating use tax under K.S.A. 79-3606. The undersigned understands and agrees that if the tangible personal property or services are used other than as stated in its statutory exemption, or are used for any other purpose that is not exempt from sales or compensating use tax, the undersigned purchaser becomes liable for the tax. The unlawful or unauthorized use of this certificate is expressly prohibited, punishable by fine and/or imprisonment.

This certificate shall apply to (check one):

Single Purchase Certificate. Enter the invoice or purchase order #: _____

Blanket Certificate.

Name of Purchaser: _____

Purchaser's EIN: _____ Foreign Diplomat Number _____

Business Address: _____
Street, RR, or P.O. Box City State Zip + 4

Reason for Exemption. Check the appropriate box for the exemption. Since this is a multi-entity form, not all entities are exempt on all purchases. Only those entities that do not have a Kansas Tax-Exempt Entity Exemption Number may use this certificate to claim an exemption. Kansas-based tax-exempt entities are required to have a Kansas Tax Exempt Entity Exemption Number; non-Kansas tax-exempt entities who regularly do business in Kansas are encouraged to apply for a Kansas Tax-Exempt Entity Exemption Number through our web site at www.ksrevenue.org. Tax exempt entities who have been assigned a Kansas Exemption Number (Kansas and non-Kansas based) must use their numbered Tax-Exempt Entity Exemption Certificate (Form PR-78) issued by the Kansas Department of Revenue to claim their exemption; they cannot use this certificate.

- | | |
|---|--|
| <input type="checkbox"/> Drill bits & explosives actually used in oil and gas exploration and production, K.S.A. 79-3606(pp). | <input type="checkbox"/> Community-based mental retardation facility or mental health center, K.S.A. 79-3606(jj). |
| <input type="checkbox"/> Educational materials purchased for free public distribution by a nonprofit corporation organized to encourage, foster, and conduct programs for the improvement of public health, K.S.A. 79-3606(ll). | <input type="checkbox"/> Elementary or secondary school (public, private or parochial), K.S.A. 79-3606(c). |
| <input type="checkbox"/> Materials purchased by community action groups or agencies to repair or weatherize housing occupied by low income individuals, K.S.A. 79-3606(oo). | <input type="checkbox"/> Habitat for Humanity, K.S.A. 79-3606(ww). |
| <input type="checkbox"/> Medical supplies and equipment purchased by a nonprofit skilled nursing home or intermediate nursing care home, K.S.A. 79-3606(hh). | <input type="checkbox"/> Noncommercial educational TV or radio station, K.S.A. 79-3606(ss). |
| <input type="checkbox"/> Qualified machinery and equipment purchased by an over-the-air free access radio or TV Station, K.S.A. 79-3606(zz). | <input type="checkbox"/> Nonprofit blood, tissue or organ bank, K.S.A. 79-3606(b). |
| <input type="checkbox"/> Seeds, tree seedlings, fertilizers and other chemicals, and services used to grow plants to prevent soil erosion on agricultural land, K.S.A. 79-3606(mm). | <input type="checkbox"/> Nonprofit public or private educational institution, K.S.A. 79-3606(c). |
| <input type="checkbox"/> Foreign Diplomat. | <input type="checkbox"/> Nonprofit hospital or public hospital authority, K.S.A. 79-3606(b). |
| <input type="checkbox"/> Newly Legislated Exemption. Briefly describe the exemption and enter the statute reference or enter the year and number of the Bill authorizing the exemption. _____ | <input type="checkbox"/> Nonprofit museum or historical society, K.S.A. 79-3606(qq). |
| | <input type="checkbox"/> Nonprofit, nonsectarian youth development organization, K.S.A. 79-3606(ii). |
| | <input type="checkbox"/> Nonprofit religious organization, K.S.A. 79-3606(aaa). |
| | <input type="checkbox"/> Nonprofit zoo, K.S.A. 79-3606(xx). |
| | <input type="checkbox"/> Parent-Teacher Association or Organization, K.S.A. 79-3606(yy). |
| | <input type="checkbox"/> Primary care clinics and health centers serving the medically underserved, K.S.A. 79-3606(ccc). |
| | <input type="checkbox"/> Rural volunteer fire fighting organization, K.S.A. 79-3606(uu). |

Authorized Signature: _____ Employer ID Number (EIN): _____
Officer, Office Manager or Administrator

Printed Name: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.
PLEASE REFER TO THE INSTRUCTIONS FOR USE OF THIS CERTIFICATE ON THE REVERSE.

ABOUT THE DESIGNATED EXEMPTION CERTIFICATE, FORM ST-28

IMPORTANT: This is a multi-entity form; not all entities are exempt on all purchases.

WHO MAY USE THIS CERTIFICATE

This exemption certificate is used either to claim a sales and use tax-exemption present in Kansas law not covered by other certificates, or by a non-Kansas tax-exempt entity not in possession of a Kansas Tax-Exempt Entity Exemption Certificate, Forms PR-78, discussed below.

FOREIGN DIPLOMATS. Foreign diplomats must provide their foreign diplomat number issued by the Office of Foreign Missions of the U. S. State Department on this exemption certificate. Additional information about this exemption is in our Notice 04-09 on our web site.

Buyers claiming exemption based on how the item will be used (Resale, Retailer/Contractor, Ingredient or Component Part, Agricultural, etc.) must use the specific certificate (form type ST-28) designed for each of those exempt uses under the law. The U.S. Government, its agencies and instrumentalities must also continue to use Form ST-28G designed for their exemption.

TAX-EXEMPT ENTITY EXEMPTION CERTIFICATES (FORMS PR-78)

To assist retailers in identifying the nonprofit entities exempt from paying Kansas sales and use tax, the Kansas Department of Revenue has issued Tax-Exempt Entity Exemption Certificates effective January 1, 2005. Issued first to Kansas-based entities, these are individual, uniquely numbered exemption certificates issued only by the department. Each certificate contains the entity's name and address, the statute cite of the exemption and the entity's Kansas Exemption Number. This number is separate and apart from any sales tax registration number used to collect tax from their customers. To claim its exemption, the registered exempt entity must merely provide a completed, signed copy of its PR-78 to the retailer. Tax exempt entities who have been assigned a Kansas Exemption Number (Kansas and non-Kansas based) **may NOT use the Designated or Generic Exemption Certificate (Form ST-28) to claim exemption.**

Kansas-based tax-exempt entities are required to obtain a Kansas Tax-Exempt Entity Exemption Number. Tax-exempt entities (schools, nonprofit hospitals, etc.) from other states who regularly do business in Kansas are encouraged to obtain a Kansas Tax-Exempt Entity Exemption Certificate from the Kansas Department of Revenue. To obtain a uniquely numbered certificate, complete the application on our web site at www.ksrevenue.org.

GENERAL EXEMPTION RULES

Complete all parts of the form. An exemption certificate is complete only when all the requested information is provided. Please print or type all information, except for the authorized signature. Addresses must include the street or PO Box, city, state and zip code.

Direct Purchase. Generally, an exemption applies only to direct purchases of tangible personal property or taxable repair services by an exempt entity for its exclusive use. A direct purchase is one that is billed directly to the exempt entity, and/or paid for with entity funds (check or credit card). Purchases made by employees or agents of the exempt entity with their personal funds are fully

taxable, even when the employee/agent is reimbursed the expense by the exempt entity.

A direct "purchase" of tangible personal property includes the rental or lease of tangible personal property. The direct purchase of "services" are the taxable labor services of repairing, servicing, altering or maintaining tangible personal property, and the labor services (not materials) of a contractor on a real property project.

Construction, Remodel or Repair Projects. Qualifying entities may purchase the labor services of a contractor (whether working on tangible personal property or real property) without tax using this certificate. However, *indirect* purchases of materials and labor on real property projects are taxable. Materials furnished by or through a contractor or the materials and/or labor furnished by a subcontractor for the construction, reconstruction or repair of *real property* are not exempt with this certificate, as they are not a direct purchase by the entity. Therefore a contractor's invoice will include (and the entity must pay) the sales tax paid or accrued by the contractor on any materials, parts and subcontractor invoices for the project.

PROJECT EXEMPTION CERTIFICATES (PECs). A PEC is a numbered document issued only by the Kansas Department of Revenue or its authorized agent. As the name implies, a PEC exempts the entire project – materials and labor – from sales or use tax. Not all entities are eligible to obtain a PEC. Contact the department at (785) 368-8222 for more information.

Retailer Record Keeping. Retailers must keep a copy of this completed certificate with your other sales tax records for a period of at least three years from the date the certificate is signed and presented to you. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

Penalties for Misuse. A buyer who issues an exemption certificate in order to unlawfully avoid payment of the tax for business or personal gain is guilty of a misdemeanor, and upon conviction may be fined up to \$1,000 or imprisoned for up to a year, or both.

TAXPAYER ASSISTANCE

Additional information about each exemption is in our Publication KS-1520, Kansas Exemption Certificates. This publication, as well as Notices and other written advice on Kansas taxes and exemptions are available from the Policy Information Library on the department's web site at www.ksrevenue.org. Since Kansas exemptions are not always of general application, you are encouraged to consult the web site or the department with specific taxability issues.

If you have questions or need additional information contact:

Taxpayer Assistance Center
Kansas Department of Revenue
Docking State Office Building, 1st Floor
915 SW Harrison, Topeka, KS 66625-2007

Phone: (785) 368-8222
Hearing-Impaired: (785) 296-6461

KANSAS DEPARTMENT OF REVENUE
DRY CLEANING AND LAUNDRY EXEMPTION CERTIFICATE

The undersigned purchaser certifies that **dry cleaning or laundry services** purchased from:

Seller: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

are exempt from **Kansas dry cleaning environmental surcharge** for the following reason:

The dry cleaning or laundry services purchased with this exemption certificate will be resold by a retailer registered by the Kansas Department of Revenue to collect the dry cleaning environmental surcharge.

Description of dry cleaning or laundry services purchased: _____

The undersigned understands and agrees that if the tangible personal property or services are used other than as stated above or for any other purpose that is not exempt from sales or compensating tax, the undersigned purchaser becomes liable for the tax.

Purchaser: _____
Business Name

Dry Cleaning
Registration No.: _____ Kansas Sales Tax No.: _____

Address: _____
Street, RR, or P. O. Box City State Zip + 4

Authorized Signature: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

WHAT IS THE DRY CLEANING ENVIRONMENTAL SURCHARGE? The dry cleaning environmental surcharge is a 2.5% tax on all dry cleaning and laundering services. It is paid by the customer in addition to the Kansas Retailers' Sales tax due on these services.

WHO MAY USE THIS CERTIFICATE? Only those businesses that are registered with the Kansas Department of Revenue to collect the environmental surcharge may use this certificate.

WHAT PURCHASES ARE EXEMPT? Only purchases of dry cleaning and/or laundry services for RESALE are exempt from the dry cleaning environmental surcharge (and sales tax) with this certificate. For example, a hotel would be registered to collect the tax on dry cleaning & laundry "sent out" for guests. The hotel would use this certificate to purchase the laundry or dry cleaning services for guests without tax. The hotel resells the dry cleaning or laundry service to the hotel guest and collects the dry cleaning environment surcharge and sales tax from the final consumer (hotel guest). A hotel may not use this certificate for its own linens or other hotel property.

TAX REGISTRATION NUMBERS. This certificate is an exemption from the dry cleaning environmental surcharge and also acts as a resale exemption certificate. In order for the sale of services to be exempt, the buyer must have a current Kansas dry cleaning registration number AND a current Kansas sales tax number. This certificate is not complete unless both numbers are given. Information on how to recognize a Kansas sales tax number is in Publication KS-1520, "Kansas Exemption Certificates."

A dry cleaning registration number has three parts: A-000-0000. The tax type is indicated by the letter "A," followed by the county prefix (each of the 105 counties in Kansas has been assigned a number), followed by four unique numbers. For example, a Shawnee County dry cleaning registration number might be A-003-9999. (A seller may request copies of the customer's actual certificates of registration to verify the registration numbers furnished by the customer on this certificate.)

RETAINING THIS CERTIFICATE. Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

KANSAS DEPARTMENT OF REVENUE
INGREDIENT OR COMPONENT PART EXEMPTION CERTIFICATE

The undersigned purchaser certifies that the tangible personal property purchased from:

Seller: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

is exempt from Kansas sales and compensating use tax for the following reason:

K.S.A. 79-3606(m) exempts all sales of tangible personal property that becomes an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas.

Description of tangible personal property or services purchased: _____

The undersigned understands and agrees that if the tangible personal property is used other than as stated above or for any other purpose that is not exempt from sales or compensating tax, the undersigned purchaser becomes liable for the tax.

Purchaser: _____
Business Name

Kansas Tax Registration Number: _____
Kansas Sales Tax Number or Kansas Manufacturers' or Processors' Exemption Number

Address: _____
Street, RR, or P. O. Box City State Zip + 4

Authorized Signature: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

WHO MAY USE THIS CERTIFICATE? Any business registered with the Kansas Department of Revenue buying raw materials or parts that meet the definition of an ingredient or component part may use this certificate. The buyer must have either a Kansas sales tax number or a Kansas Manufacturers' or Processors' Sales Tax Exemption Certificate Number. Buyers from other states that are not registered in Kansas should use the Multi-Jurisdiction Exemption Certificate, Form ST-28M, to buy ingredient or component parts.

WHAT PURCHASES ARE EXEMPT? Only items that meet the definition of an ingredient or component part are exempt. Whether or not the item qualifies for exemption depends on **how it is used** in production or processing. An item may be taxable for one use and exempt for another use, even though purchased by the same consumer. Each item and its use must be separately measured against the definition to determine whether the sale is taxable or exempt.

CONTAINERS AND SHIPPING CASES: Included as ingredient or component parts are containers, labels, and shipping cases used to distribute property manufactured or produced for sale. To be exempt, the container or other shipping or handling material must actually accompany the product sold, and must NOT be returned for reuse to the manufacturer or producer. Containers, wrappers and other similar materials are TAXABLE when purchased by a business providing a nontaxable service or when used for any purpose other than the distribution and sale of taxable property.

EXAMPLES: The following items are exempt as ingredient or component parts when used in these industries or applications.

- Clay, paints, & glazes used to make pottery or china.
- Frames, springs, foam, & fabric used to make silverware, mattresses or furniture.
- Gold, silver, gems and beads used to make jewelry.
- Paper and ink used in the publication of newspapers.
- Styrofoam plates, cups, paper napkins, plastic and take-out containers purchased by a restaurant.

PROVIDING OF SERVICES: The term "service" refers only to TAXABLE services. Businesses providing nontaxable services (accountants, doctors, lawyers, day care centers, etc.) must pay sales tax on all property used to provide their services.

CONTRACTORS: Contractors, subcontractors, and repairmen may NOT use this certificate to purchase their materials. Materials and parts purchased by contractors are TAXABLE unless purchased or removed from a tax-exempt inventory with a Project Exemption Certificate.

RETAINING THIS CERTIFICATE: Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

KANSAS DEPARTMENT OF REVENUE

INTEGRATED PRODUCTION MACHINERY AND EQUIPMENT EXEMPTION CERTIFICATE

The undersigned purchaser certifies that the tangible personal property and/or services purchased from:

Seller: _____ Business Name

Address: _____ Street, RR, or P.O. Box City State Zip + 4

are exempt from Kansas sales and compensating use tax for the following reason:

K.S.A. 79-3606(kk)(1) exempts (A) all sales of machinery and equipment used in Kansas as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility, (B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and (C) all sales of repair and replacement parts and accessories for such machinery and equipment.

TO OBTAIN THIS EXEMPTION, COMPLETE LINES 1 THROUGH 5 AND THE CERTIFICATION

- 1. Describe the qualified machinery or equipment (include make, model, type, or other identifying criteria):
2. Describe how this equipment is used in the production process:
3. The equipment described in line 1 [is] [will be] located and used at the following Kansas manufacturing facility or plant: (Circle one)

(If this certificate applies to more than one location attach a list which identifies the additional locations)

Name of Facility
Street Address City State KANSAS

- 4. This certificate is for the: (Check all that apply)
Purchase, lease, or rental of the integrated production machinery or equipment described in line 1.
Materials and/or services necessary to install the equipment described in line 1. Describe:
Materials and/or labor to fabricate qualified equipment. Describe:
Repair or maintenance services on the equipment described in line 1.
Repair parts, replacement parts, or accessories for the equipment described in line 1. Describe; include model, type, etc.

- 5. The purchaser is:
the owner/lessor of the equipment
a contractor installing, servicing, repairing or fabricating the equipment

The undersigned understands and agrees that if the tangible personal property and/or services are used other than as stated above or for any other purpose that is not exempt from sales or compensating use tax, the undersigned purchaser becomes liable for the tax.

Purchaser: _____ Business Name

Purchaser's Type of Business _____ Describe business activity and/or principal product(s) manufactured or processed

Address: _____ Street, RR, or P.O. Box City State Zip + 4

Authorized Signature: _____ Date: _____

Printed Name: _____ Title: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

ABOUT THE EXEMPTION FOR INTEGRATED PRODUCTION MACHINERY & EQUIPMENT

WHO MAY USE THIS EXEMPTION? Any manufacturing or processing business engaged in an integrated production operation at a plant or facility located in Kansas may use this certificate to purchase, install or repair integrated production machinery and equipment without tax. Contractors & repairmen may also use this certificate to purchase without tax the parts, materials and labor necessary to install, service, repair or fabricate qualified equipment.

Examples of manufacturing or processing businesses include: Chemical production; electrical power generation; the fabrication of automobiles, airplanes, machinery or transportation equipment; the fabrication of metal, plastic, wood or paper products; newspaper printing; petroleum refining; water treatment; wholesale bottling; etc. Also included are agricultural commodity processing operations (such as meat packing, frozen food processing, and the operations of a grain storage facility) and operations at a mineral (oil, gas, stone, sand, etc.) extraction site to clean, separate, grind or otherwise treat or prepare the product before its transmission to a refinery or for other wholesale or retail distribution.

Non-industrial businesses whose operations are primarily (more than 50%) retail, and produce or process tangible personal property as an incidental part of the retail business may NOT use this certificate. Retailers who may not use this certificate include: contractors who alter, service or repair real property; grocers who butcher or dress livestock or poultry; and retailers who bake, cook or prepare food products in the regular course of their retail trade.

WHAT IS INTEGRATED PRODUCTION MACHINERY & EQUIPMENT? To qualify as integrated production equipment, the item must be an integral or essential part of a process to manufacture, process, fabricate, finish, or assemble items for wholesale or retail distribution.

EXEMPT ITEMS INCLUDE (BUT ARE NOT LIMITED TO) MACHINERY AND EQUIPMENT USED TO:

- Receive, transport, convey, handle, treat or store raw materials in preparation for their placement on the production line;
- Transport, convey, handle or store the property undergoing manufacture at any point from the beginning to the end of the process occurring at the plant or facility;
- Act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;
- Guide, control or direct the movement of property undergoing manufacturing or processing;
- Test or measure raw materials, the property undergoing manufacturing or processing, or the finished product as necessary by the production operation;
- Plan, manage, control, or record the inventories of raw materials, consumables, component parts, and the finished product;
- Produce energy for, lubricate, control, or otherwise enable the function of other production equipment;
- Package the product;
- Transmit or transport electricity, coke, gas, water, steam or similar substances used in production from the point of generation (if produced at the plant site), or from the point where it enters the plant or facility (if purchased or delivered offsite), to the production operation;
- Cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances used in production operations;
- Provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility where such regulation is part of and essential to the production process;
- Treat, transport or store waste or other by products of the production process at the plant or facility; or

- Control pollution produced by the manufacturing or processing operation at the plant or facility.

ALSO EXEMPT: All labor services to install, repair or maintain the manufacturing machinery and equipment, and all repair parts, replacement parts, and accessories for qualified equipment. These include, but are not limited to: dies, jigs, molds, patterns and safety devices that are attached to the exempt equipment; and parts and accessories that require periodic replacement such as belts, cutting bars, drill bits, grinding balls and wheels, saws; and refractory brick and other refractory items for exempt kiln equipment used in production operations.

TAXABLE ITEMS INCLUDE (BUT ARE NOT LIMITED TO):

- Machinery and equipment used for non-production purposes, such as accounting, administration, advertising, employee work scheduling, fire prevention, first aid, marketing, plant cleaning, plant communications, plant security, record keeping, or sales and other related activities. Also taxable are computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process, or furniture and other furnishings (e.g., office equipment).
- Machinery, equipment and tools used primarily to maintain or repair any type of machinery and equipment, or the building or plant;
- Transportation, transmission and distribution equipment not primarily used in the production, warehousing or material handling process, such as the conveyance of natural gas, electricity, oil or water, and related equipment located outside the plant or facility;
- Buildings (other than exempt machinery and equipment that becomes a structural part of the building) and other real estate not otherwise exempt, and building fixtures not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;
- Machinery and equipment used for general plant heating, cooling and lighting;
- Motor vehicles that are registered to operate on public highways;
- Employee apparel, except safety and protective apparel that is purchased by the employer and furnished without charge to those employees who are involved in production or research activities; or
- Machinery and equipment used in mining, gas and petroleum drilling, water drilling, quarrying, sand and gravel extraction operations, and other similar activities to explore for or extract petroleum, gas, mineral, rock, sand, water, and other minerals or similar matter from below the surface of the soil or water or from a mine.

ADDITIONAL INFORMATION. A more complete discussion of this sales tax exemption is in the Kansas Department of Revenue's Notice 00-08, Kansas Exemption for Manufacturing Machinery & Equipment as Expanded by K.S.A. 79-3606(fff). This notice is available by calling 785-368-8222 or from our web site: www.ksrevenue.org.

RETAINING THIS CERTIFICATE. Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

ABOUT THE INTERSTATE COMMON CARRIER EXEMPTION

WHO MAY USE THIS EXEMPTION?

Only interstate common carriers, or those leased to an interstate common carrier, may use this exemption. Three types of interstate common carriers are exempt from sales tax:

- Common carriers that transport regulated goods or persons in interstate commerce.
- Common carriers engaged in the interstate transportation of goods exempt from regulation (such as livestock and grain).
- Common carriers that haul both Regulated and Exempt commodities.

WHO IS NOT EXEMPT?

Contract carriers that are not for hire to the general public. They are not common carriers and, therefore, are NOT exempt from sales tax. Also not exempt are common carriers that are intrastate carriers (operating only within the state). These carriers are not exempt from sales tax because they are not involved in interstate commerce.

WHAT PURCHASES ARE EXEMPT?

Only rolling stock, parts, motor fuels and other items used directly and immediately in interstate commerce are exempt. All other property purchased by a common carrier is taxable. The examples below illustrate the types of items a carrier may purchase without tax using this exemption certificate, and those that are taxable.

<u>EXEMPT</u>		<u>TAXABLE</u>	
Air and oil filters	Semi trucks/tractors	Building Materials	Office equipment
Fuel pumps	Spark plugs	Computers	Office supplies
Gasoline and diesel fuel	Tires	Labor Services	Furniture Pads
Hoses and belts	Trailers (all types)	Packing Supplies	Tape
Lubricants	Valves	Piano Boards	Ladders
Refrigerant	Windshields and mirrors	Straps	Boxes
Repair parts for trucks/tractors & trailers		Packing "Peanuts"	Lining Paper
Tarps		Fork Lifts	Gantries

LABOR SERVICES:

Only tangible personal property may be purchased exempt. Labor services to repair, replace, service, or maintain a carrier's rolling stock are subject to sales tax.

EXAMPLE: An common carrier has the engine in one of its trucks overhauled in Kansas. The parts used in the overhaul (water pump, spark plugs, oil and oil filter) are exempt. The repair shop would have the carrier complete this exemption certificate to exempt the sale of these parts from sales tax. However, the labor service fee charged by the mechanic or repair shop to do the work (such as a rate of \$40/hr.) is subject to sales tax. The repair shop would charge the carrier sales tax on the total labor charges.

NUMBERS:

Motor Carrier Number. Carrier numbers are issued by the Federal Motor Carrier Safety Administration (FMCSA) granting authority for interstate operations.

USDOT Number. Companies that operate commercial vehicles transporting passengers or hauling cargo in interstate commerce must be registered with the FMCSA and must have a USDOT Number. Also, commercial intrastate hazardous materials carriers who haul quantities requiring a safety permit must register for a USDOT Number. <http://www.fmcsa.dot.gov/>

Kansas Sales Tax Registration Number. This is the number assigned to individuals and entities for the collection of sales tax. Owner/operators are required to obtain a Sales Tax Registration Number. Along with a Kansas Resale Exemption Certificate, Form ST-28A, an owner/operator may purchase a truck and/or trailer, and repair parts therefore, exempt from Kansas sales tax when the owner/operator does not have interstate common carrier authority themselves but, will lease to an interstate common carrier. Owner/operators leased to interstate common carriers will need to file Kansas retailers' sales tax returns (typically on an annual basis) but will report no sales tax due.

RETAINING THIS CERTIFICATE: Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

KANSAS DEPARTMENT OF REVENUE
MULTI-JURISDICTION EXEMPTION CERTIFICATE

NOTE: Check applicable state laws for authority to issue this certificate for the uses indicated below.
Review national tax reporting service publications for information about the states that honor this certificate.

Purchaser: _____
Business Name

Address: _____
Street, RR, or P.O. Box City State Zip + 4

I hereby certify that I am a:

- Wholesaler of: _____
Description of principal product(s)
- Retailer of: _____
Description of principal product(s)
- Manufacturer of: _____
Description of principal product(s)
- Lessor of: _____
Description of principal product(s)
- Other: _____
Description of principal product(s)

and am registered* in the following cities or states:

City or State _____ Registration Number _____
City or State _____ Registration Number _____

* Wholesalers are not required to register with the Kansas Department of Revenue to collect sales tax unless they make retail sales. Retail sales include sales to employees.

The tangible personal property described below which I am purchasing from:

Seller: _____
Business Name

Address: _____
Street, RR, or P.O. Box City State Zip + 4

will be for wholesale, resale, or as ingredient or component parts of a new product to be resold, leased, or rented in the normal course of my business.

Description of property purchased with this exemption certificate: _____

I further certify that if the property purchased with this certificate is used or consumed so as to make it subject to sales or use tax, I will pay the tax due directly to the proper taxing authority or inform the seller to add tax to the billing. This certificate shall be a part of each order that I may give you in the future and is valid until cancelled by me in writing or revoked by the city or state.

Under the penalties of perjury, I swear or affirm that the information on this form is true and correct as to every material matter.

Authorized Signature: _____ Date: _____

Misuse of this certificate by the seller, lessor, buyer, lessee, or their representative may be punishable by fine, imprisonment, or loss of the right to issue certificates in some cities or states.

CAUTION TO THE SELLER: In order for this certificate to be accepted in good faith, you must exercise care that the property being sold is of a type normally sold wholesale, resold, leased, rented, or used as an ingredient or component part of a product manufactured by the buyer in the usual course of his business. A seller who fails to exercise due care and good judgment in this regard could be held liable for the sales tax due.

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

ABOUT THE MULTI-JURISDICTION EXEMPTION CERTIFICATE

PURPOSE

The Multi-Jurisdiction Exemption Certificate is used whenever an exempt transaction crosses state lines. In Kansas, it takes the place of a Kansas resale or ingredient or component part exemption certificate when:

- 1) an out-of-state business, taking delivery of inventory or ingredient parts in Kansas, is not registered in Kansas,
OR
- 2) a wholesaler is buying inventory.

A Kansas business buying inventory or ingredient parts in another state may also furnish this certificate to the seller in the other state, subject to the laws of that state.

WHO MAY USE THIS CERTIFICATE?

Businesses and wholesalers from other states that do not have a Kansas sales tax number to furnish for a Kansas ingredient or component part exemption certificate or a Kansas resale exemption certificate must use this certificate to certify that they qualify for these two Kansas exemptions when making purchases in Kansas.

A Kansas wholesaler will use this certificate when buying inventory from either another Kansas business or a business in another state. Wholesalers are not required to obtain a Kansas sales tax number. A Kansas retailer may also use this certificate when purchasing inventory or ingredient or component parts from a retailer or wholesaler in another state.

WHAT PURCHASES ARE EXEMPT?

Only goods and merchandise (tangible personal property) are exempt. To be exempt, the tangible personal property must be for:

- wholesale sale,
- retail sale (resale), rental, or lease,
- an ingredient or component part of a new product to be resold, leased, or rented.

In accepting this certificate, the seller should exercise reasonable care and judgment. The property purchased must be of the type normally sold wholesale or retail, leased or rented, or used as an ingredient or component part of a product manufactured in the customer's usual course of business.

Equipment and fixtures for a business are not exempt. When purchased in Kansas, these items are taxable. When a Kansas business buys equipment or supplies from another state, the Kansas business will owe Consumers' Compensating Use tax on these purchases unless a sales or use tax of at least equal to the Kansas retailers' sales tax rate in effect where the item is used, stored or consumed. See Publication KS-1510, "Kansas Sales and Compensating Use Tax" available on the department's web site.

RETAINING THIS CERTIFICATE: Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

REQUEST FOR PROJECT EXEMPTION CERTIFICATE

Kansas Department of Revenue
Office of Policy and Research
915 SW Harrison St., Room 230
Topeka, KS 66612-1588

Date _____

Telephone: (785) 296-3081
Fax: (785) 296-7928

It is requested that a Certificate of Exemption be issued to the Petitioning Authority for the following described project if it is determined by the Department of Revenue that the proposed project qualifies for exemption from sales tax under the provisions of K.S.A. 79-3606(d) – public or private nonprofit hospital, elementary or secondary school, educational institution & political subdivisions of the state of Kansas; K.S.A. 79-3606(e) – United States Government, its agencies or instrumentalities; K.S.A. 79-3606(xx) – 501(c)(3) nonprofit zoo; K.S.A. 79-3606(aaa) – 501(c)(3) religious organization; K.S.A. 79-3606(ccc) – 501(c)(3) primary care clinic; K.S.A. 79-3606 (iii) non-profit food distribution center; K.S.A. 79-3606 (qqq) TLC for Children and Families, Inc.; K.S.A. 79-3606 (sss) non-profit charitable family providers; K.S.A. 79-3606 (ttt) museum within a designated qualified hometown or K.S.A.(uuu) Kansas Children’s Service League.

(A) Type of project: _____
Describe work to be done

A. Present use of facility: _____

B. Proposed use of facility after project: _____

(B) Project location: _____
Building Number, Street Address, City, State, and Zip Code

(C) Is this project being constructed as part of a business enterprise whose sales are subject to sales tax (e.g., municipal water, electric or gas companies)? Yes No

(D) Is the Petitioning Authority authorized to levy ad valorem taxes on tangible property? Yes No

(E) A. Is this project being totally financed by industrial revenue bonds? Yes No

B. Is this project being partially financed by industrial revenue bonds? Yes No

Amount of bonds being issued for project: _____

If you answered “Yes” to A or B, you must complete the agreement on the back of this form and attach a copy of the letter of intent or resolution of intent to issue bonds.

If you answered “No” to A or B, how is the project being financed (explain type of tax, bonds, etc.)?

(F) Name of claimant owner of project: _____

(G) Starting date: _____

(H) Estimated completion date: _____

(I) Estimated project cost: _____

(J) List names and addresses of prime contractors:

(K) Contract date: _____

(L) Contract number: _____

(M) Project number: _____

Petitioning Authority

Mailing Address

Signature of Authorized Representative

City, State & Zip Code

Type or Print Name

Tax Exempt Entity No.

Title

Phone Number

ONLY COMPLETE THIS PAGE IF YOU ANSWERED YES TO LINE (E) ON PAGE 1.

This agreement is made and entered into between and by the _____
_____ (name of political subdivision), hereinafter referred to as
Exempt Entity; and _____ (name of beneficiary of industrial revenue bond proceeds),
hereinafter referred to as Beneficiary.

It is hereby agreed by all parties to this agreement that the construction project for which the request for an exemption certificate is being made would be exempt from sales tax solely due to the fact that it is being financed by industrial revenue bonds. It shall be the duty of the Exempt Entity to notify the Kansas Department of Revenue when the industrial revenue bonds have actually been issued.

Whereas, the Kansas Department of Revenue deems it necessary to ensure that sales or compensating tax is paid should the project not be financed by industrial revenue bonds, it is hereby further agreed by the Beneficiary that if the industrial revenue bonds have not been issued by the time the project is completed then the Beneficiary will remit to the Kansas Department of Revenue the sales or compensating tax and applicable interest on tax which is due based upon the cost of tangible personal property or services used or consumed in the construction of the project. It is agreed that the Secretary of Revenue shall determine when the project has been completed.

The Director of Policy and Research shall have the right to demand from the Beneficiary payment of the sales and compensating tax and applicable interest due the state should the Kansas Department of Revenue not receive such payment within thirty (30) days after the project has been completed.

Any and all notices required herein shall be mailed and addressed as follows:

A. Notices to the Department of Revenue shall be addressed to: Director of Policy and Research, Kansas Department of Revenue, 915 SW Harrison St., Room 230, Topeka, Kansas 66612-1588;

B. Notices to the Exempt Entity shall be addressed to: _____

C. Notices to the Beneficiary shall be addressed to: _____

This agreement shall be binding upon all parties hereto and any and all their successors.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by persons authorized to do so lawfully and with full corporate authority.

POLITICAL SUBDIVISION

BENEFICIARY OF INDUSTRIAL REVENUE BOND
PROCEEDS

Authorized Signature

Authorized Signature

Type or Print Name and Title

Type or Print Name and Title

DATED: _____

DATED: _____

**REQUEST FOR PROJECT EXEMPTION CERTIFICATE
PURSUANT TO K.S.A. 79-3606 (cc)**

Kansas Department of Revenue
Office of Policy and Research
915 SW Harrison St.
Topeka, KS 66612-1588

Telephone: (785) 296-3081
FAX: (785) 296-7928

Date _____

It is requested that a Certificate of Exemption from sales tax be issued to the taxpayer for the following described project.

(A) Name of taxpayer: _____ EIN: _____
Business type: Corporation L.L.C. Limited Liability Partnership/Partnership Individual
 Other _____

(B) 1. Name of business which will operate the business facility (if different from the name listed on Line (A)):
_____ EIN: _____
Business type: Corporation L.L.C. Limited Liability Partnership/Partnership Individual
 Other _____

2. Location of business facility investment: _____
Street Number and Address
County: _____ City: _____ State: _____ Zip: _____

3. Mailing address of taxpayer (business) who will own and/or operate the business facility:

Box Number and/or Street Number and Name
City: _____ State: _____ Zip: _____

4. Email Address: _____

(C) Are you relocating an existing business to another city or county that requires approval from the Secretary of Commerce? Yes (Please attach approval). No

(D) Type of project: Original construction of a new facility Remodel or reconstruction of an existing facility
 Addition to an existing facility Additional machinery and equipment, not to include the purchase of a motor vehicle or trailer.

(E) **ATTACH** an explanation or list of improvements to be constructed, repairs or remodeling to be done, machinery and equipment to be purchased, and a justification of how these purchases relate to new employment.

(F) Describe specifically the type of business activity to be conducted by the taxpayer [name on Line (A)] at the business facility:

(G) Indicate the type of business conducted by the named taxpayer, by checking **ONE** of the following boxes **AND** answer the corresponding question(s). **See instructions.**

1. **CERTIFIED BUSINESS**
The business has been certified by the Department of Commerce as meeting the eligibility criteria for the High Performance Incentive Program (HPIP). Attach a copy of the letter of certification.

2. **MANUFACTURING**
Will the expansion of the manufacturing business involve the hiring and addition of at least two employees to your total Kansas employment? Yes No
"Manufacturing business" means all enterprises with a manufacturing Standard Industrial Classification (SIC) major group code 201 through 399. Enter SIC _____ (See attached listing of major group codes).

CONTINUE ON REVERSE SIDE

INSTRUCTIONS

An exemption from sales tax is allowed on all sales of tangible personal property or services purchased for the construction, enlarging or remodeling of a business or retail business. The sale and installation of machinery and equipment purchased for the installation at the business or retail business shall also be exempt from sales tax.

- Line (A) Enter the name of the entity that will operate the business facility and claim the sales tax exemption and associated income tax credit, their employee identification number (EIN) and check the appropriate box identifying the business type.
- Line (B)(1) Enter the name and EIN of the business, if it is different than line (A), above, and check the appropriate box identifying the business type. If the taxpayer on line (A) operates under a Doing Business As (DBA) name, enter the DBA.
- Line (B)(2) Enter the location, including the county of the business facility where the investment is going to be made.
- Line (B)(3) Enter the complete mailing address of the taxpayer who will own and/or operate the above referenced business facility.
- Line (B)(4) Enter the email address of the authorized representative for the taxpayer.
- Line (C) A manufacturing business located within the state of Kansas that has documented evidence of job expansion involving the employment of at least two additional full time employees which relocates in another city or county within the state of Kansas must receive approval from the Secretary of Commerce prior to qualifying for the sales tax exemption (K.S.A. 74-50,115(a)(2)). Approval by the Secretary of Commerce is not required if the manufacturing business relocates within the same city.
- A nonmanufacturing business located within the state of Kansas that has documented evidence of job expansion involving the employment of at least five additional full time employees which relocates in another city or county within the state of Kansas must receive approval from the Secretary of Commerce prior to qualifying for the sales tax exemption (K.S.A. 74-50,115(b)(2)). Approval by the Secretary of Commerce shall not be required if the nonmanufacturing business relocates within the same city.
- Line (D) Check the applicable box(es) that describe the project and attach required documentation.
- Line (E) Purchases of materials, machinery, equipment, and services must be directly related to increased employment to qualify for exemption from retailers' sales tax. Therefore, you are required to describe each purchase you are contemplating and demonstrate how the purchase relates directly to increased employment at the facility.
- Line (F) Describe specifically the type of business activity to be conducted by the taxpayer at the business facility.
- Line (G) Indicate the type of business activity to be conducted at the business facility by the named taxpayer, and answer the corresponding questions. It should be noted that only **ONE** of the boxes under Line (G) should be checked in regards to the type of business activity conducted at the facility.
- Line (G)(1) Certified business means a firm which is qualified by the Secretary of Commerce as meeting the eligibility criteria for the High Performance Incentive Program (HPIP) pursuant to K.S.A. 2003 Supp. 74-50,131. The firm must be entitled to the corporate tax credit established in K.S.A. 74-50,132 or must have received written approval for participation and has participated, during the tax year in which the exemption is claimed, in training assistance by the Department of Commerce under the Kansas industrial training (KIT), Kansas industrial retraining (KIR) or state of Kansas investments in lifelong learning program (SKILL).
- Line (G)(2) Manufacturing business means all commercial enterprises identified under the manufacturing standard industrial classification codes (SIC), major groups 20 through 39.
- Line (G)(3) Nonmanufacturing business means any commercial enterprise other than a manufacturing business or a retail business. Nonmanufacturing business shall also include the business headquarters of an enterprise, ancillary support of an enterprise and an enterprise designated under standard industrial classification (SIC) codes 5961 or 7372 regardless of the firm's classification as a retail business if that facility for which the sales tax exemption certificate is issued facilitates the creation of at least 20 new full time positions.

Business headquarters means a facility where principal officers of the business are housed and from which direction, management, or administrative support for transactions is provided for business or division of a business.

Ancillary support means a facility which is operated by a business and whose function is to provide services in support of the business, but is not directly engaged in the business' primary function. Attach the statement from the Department of Commerce.

Original construction means the first or initial construction of a new building or facility and includes the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building or facility damaged or destroyed by fire, flood, tornado, lightning, explosion or earthquake. Residence means only those enclosures within which individuals customarily live.

Line (G)(4) Retail business means (a) Any commercial enterprise primarily engaged in the sale at retail of goods or services taxable under the Kansas retailers' sales tax act; (b) any service provider set forth in K.S.A. 17-2707, and amendments thereto (licensed professional); (c) any bank, savings and loan, or other lending institution; (d) any commercial enterprise whose primary business activity includes the sale of insurance, and (e) any commercial enterprise whose primary business activity includes the sale of services such as, but not limited to, barber shops, beauty shops, photographic studios, and funeral services.

Line (G)(5) Lessor means any person constructing, reconstructing, remodeling, or enlarging a facility which will be leased for a period of five years or more to a business that would be eligible for a sales tax exemption if the business had constructed, reconstructed, enlarged, or remodeled the facility itself. Please attach a copy of the 5 year lease agreement.

As the lessor, you must determine whether the lessee qualifies for the sales tax exemption as a manufacturing, nonmanufacturing, retail or certified business. If the lessee does not qualify, a project exemption certificate cannot be issued.

If there are multiple lessees, each must qualify for the sales tax exemption and a lease agreement must be submitted for each.

Line (H) Check the applicable box and list the name of the organization and/or person you were contacted by and the average wage of the new (non-managerial) employees.

Line (I) List the name and address of the general contractor if available. If a general contractor does not exist for this project, please attach a list of all the contractors/subcontractors (if available) involved in performing labor services or supplying materials for the project. Include in this list, the estimated project costs, contract date, contract number, and the estimated completion date for each contract.

Line (J) Enter the estimated cost of the project.

Line (K) Enter the date of the contract.

Line (L) Enter the applicable contract number if available.

Line (M) Enter the estimated completion date for this project. The Department requests that this period not extend beyond two years from the application date.

Signature The name of the taxpayer as well as the authorized representative requesting the exemption should be typed or printed in the area provided. The authorized representative must also sign the request and provide a phone number where they can be reached during business hours.

MANUFACTURING

FOOD AND KINDRED PRODUCTS

- 201 Meat Products
- 202 Dairy Products
- 203 Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
- 204 Grain Mill Products
- 205 Bakery Products
- 206 Sugar and Confectionery Products
- 207 Fats and Oils
- 208 Beverages
- 209 Miscellaneous Food Preparations and Kindred Products

TOBACCO PRODUCTS

- 211 Cigarettes
- 212 Cigars
- 213 Chewing and Smoking Tobacco and Snuff
- 214 Tobacco Stemming and Redrying

TEXTILE MILL PRODUCTS

- 221 Broadwoven Fabric Mills, Cotton
- 222 Broadwoven Fabric Mills, Manmade Fiber and Silk
- 223 Broadwoven Fabric Mills, Wool (Including Dyeing and Finishing)
- 224 Narrow Fabric and Other Smallwares Mills: Cotton, Wool, Silk, and Manmade Fiber
- 225 Knitting Mills
- 226 Dyeing and Finishing Textiles, except Wool, Fabrics and Knit Goods
- 227 Carpets and Rugs
- 228 Yarn and Thread Mills
- 229 Miscellaneous Textile Goods

APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

- 231 Men's and Boys' Suits, Coats, and Overcoats
- 232 Men's and Boys' Furnishings, Work Clothing, and Allied Garments
- 233 Women's, Misses', and Juniors' Outerwear
- 234 Women's, Misses', Children's, and Infants' Undergarments
- 235 Hats, Caps, and Millinery
- 236 Girls', Children's, and Infants' Outerwear
- 237 Fur Goods
- 238 Miscellaneous Apparel and Accessories
- 239 Miscellaneous Fabricated Textile Products

LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

- 241 Logging
- 242 Sawmills and Planing Mills
- 243 Millwork, Veneer, Plywood, and Structural Wood Members
- 244 Wood Containers
- 245 Wood Buildings and Mobile Homes
- 249 Miscellaneous Wood Products

FURNITURE AND FIXTURES

- 251 Household Furniture
- 252 Office Furniture
- 253 Public Building and Related Furniture
- 254 Partitions, Shelving, Lockers, and Office and Store Fixtures
- 259 Miscellaneous Furniture and Fixtures

PAPER AND ALLIED PRODUCTS

- 261 Pulp Mills
- 262 Paper Mills
- 263 Paperboard Mills
- 265 Paperboard Containers and Boxes
- 267 Converted Paper and Paperboard Products, Except Containers and Boxes

PRINTING, PUBLISHING, AND ALLIED INDUSTRIES

- 271 Newspapers: Publishing, or Publishing and Printing
- 272 Periodicals: Publishing, or Publishing and Printing
- 273 Books

- 274 Miscellaneous Publishing
- 275 Commercial Printing
- 276 Manifold Business Forms
- 277 Greeting Cards
- 278 Blankbooks, Loose-leaf Binders, and Bookbinding and Related Work
- 279 Service Industries for the Printing Trade

CHEMICALS AND ALLIED PRODUCTS

- 281 Industrial Inorganic Chemicals
- 282 Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers, Except Glass
- 283 Drugs
- 284 Soap, Detergents, and Cleaning Preparations; Perfumes, Cosmetics and Other Toilet Preparations
- 285 Paints, Varnishes, Lacquers, Enamels, and Allied Products
- 286 Industrial Organic Chemicals
- 287 Agricultural Chemicals
- 289 Miscellaneous Chemical Products

PETROLEUM REFINING AND RELATED INDUSTRIES

- 291 Petroleum Refining
- 295 Asphalt Paving and Roofing Materials
- 299 Miscellaneous Products of Petroleum and Coal

RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

- 301 Tires and Inner Tubes
- 302 Rubber and Plastic Footwear
- 305 Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting
- 306 Fabricated Rubber Products, Not Elsewhere Classified
- 308 Miscellaneous Plastics Products
- 311 Leather Tanning and Finishing
- 313 Boot and Shoe Cut Stock and Findings
- 314 Footwear, Except Rubber
- 315 Leather Gloves and Mittens
- 316 Luggage
- 317 Handbags and Other Personal Leather Goods
- 319 Leather Goods, Not Elsewhere Classified

STONE, CLAY, GLASS, AND CONCRETE PRODUCTS

- 321 Flat Glass
- 322 Glass and Glassware, Pressed or Blown
- 323 Glass Products, Made of Purchased Glass
- 324 Cement, Hydraulic
- 325 Structural Clay Products
- 326 Pottery and Related Products
- 327 Concrete, Gypsum, and Plaster Products
- 328 Cut Stone and Stone Products
- 329 Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products

PRIMARY METAL INDUSTRIES

- 331 Steel Works, Blast Furnaces, and Rolling and Finishing Mills
- 332 Iron and Steel Foundries
- 333 Primary Smelting and Refining of Nonferrous Metals
- 334 Secondary Smelting and Refining of Nonferrous Metals
- 335 Rolling, Drawing, and Extruding of Nonferrous Metals
- 336 Nonferrous Foundries (Castings)
- 339 Miscellaneous Primary Metal Products

FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION EQUIPMENT

- 341 Metal Cans and Shipping Containers
- 342 Cutlery, Handtools and General Hardware
- 343 Heating Equipment, except Electric and Warm Air; and Plumbing Fixtures
- 344 Fabricated Structural Metal Products
- 345 Screw Machine Products, and Bolts, Nuts, Screws, Rivets, and Washers

- 346 Metal Forgings and Stampings
- 347 Coating, Engraving, and Allied Services
- 348 Ordnance and Accessories, Except Vehicles and Guided Missiles
- 349 Miscellaneous Fabricated Metal Products

INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT

- 351 Engines and Turbines
- 352 Farm and Garden Machinery and Equipment
- 353 Construction, Mining, and Materials Handling Machinery and Equipment
- 354 Metalworking Machinery and Equipment
- 355 Special Industry Machinery, Except Metalworking Machinery
- 356 General Industrial Machinery and Equipment
- 357 Computer and Office Equipment
- 358 Refrigeration and Service Industry Machinery
- 359 Miscellaneous Industrial and Commercial Machinery and Equipment

ELECTRONIC AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS, EXCEPT COMPUTER EQUIPMENT

- 361 Electric Transmission and Distribution Equipment
- 362 Electrical Industrial Apparatus
- 363 Household Appliances
- 364 Electric Lighting and Wiring Equipment
- 365 Household Audio and Video Equipment, and Audio Recordings
- 366 Communications Equipment
- 367 Electronic Components and Accessories
- 369 Miscellaneous Electrical Machinery, Equipment, and Supplies

TRANSPORTATION EQUIPMENT

- 371 Motor Vehicles and Motor Vehicle Equipment
- 372 Aircraft and Parts
- 373 Ship and Boat Building and Repairing
- 374 Railroad Equipment
- 375 Motorcycles, Bicycles, and Parts
- 376 Guided Missiles and Space Vehicles and Parts
- 379 Miscellaneous Transportation Equipment

MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC, MEDICAL AND OPTICAL GOODS; WATCHES AND CLOCKS

- 381 Search, Detection, Navigation, Guidance, Aeronautical, and Nautical Systems, Instruments, and Equipment
- 382 Laboratory Apparatus and Analytical, Optical, Measuring, and Controlling Instruments
- 384 Surgical, Medical, and Dental Instruments and Supplies
- 385 Ophthalmic Goods
- 386 Photographic Equipment and Supplies
- 387 Watches, Clocks, Clockwork Operated Devices, and Parts

MISCELLANEOUS MANUFACTURING INDUSTRIES

- 391 Jewelry, Silverware, and Plated Ware
- 393 Musical Instruments
- 394 Dolls, Toys, Games and Sporting and Athletic Goods
- 395 Pens, Pencils, and Other Artists' Materials
- 396 Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
- 399 Miscellaneous Manufacturing Industries

STATE OF KANSAS PROJECT COMPLETION CERTIFICATION

TO: _____
Name of Entity to whom Project Exemption Certificate was Issued

Street Address City State Zip Code

This is to certify, to the best of my knowledge and belief, that all materials purchased under Exemption Certificate Number _____, issued by the Kansas Department of Revenue, were incorporated into the building or project for which the exemption was issued and were entitled to an exemption pursuant to K.S.A. 79-3606(d), (e) or (cc), as amended.

Contractor / Subcontractor

P.O. Box and/or Street Number and Name

Street Address City State Zip Code

Signature and Title of Authorized Representative Date

INSTRUCTIONS

Upon completion of a tax exempt project, the contractor must furnish this certification to the taxpayer for which the work was performed. A copy of this certification must also be forwarded to the Kansas Department of Revenue, Office of Policy and Research, 915 SW Harrison Street, Room 230, Topeka, Kansas 66612-1588. All invoices must be retained by the contractor for a period of five (5) years and are subject to audit by the Kansas Department of Revenue.

**KANSAS DEPARTMENT OF REVENUE
RESALE EXEMPTION CERTIFICATE**

The undersigned purchaser certifies that the tangible personal property or service purchased from:

Seller: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

will be **resold** by me in the form of tangible personal property or repair service. I hereby certify that I hold valid Kansas sales tax registration number _____, and I am in the business of selling _____
(May attach a copy of registration certificate)

(Description of product(s) sold; food clothing, furniture, etc.)

Description of tangible personal property or services purchased: _____

I understand and agree that if the items purchased with this certificate are used for any purpose other than retention, demonstration, or display while being held for sale in the regular course of business, I am required to report and pay the sales tax, based upon the purchase price of the items.

Purchaser: _____
Name of Kansas Retailer

Address: _____
Street, RR, or P. O. Box City State Zip + 4

Signature: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

WHO MAY USE THIS CERTIFICATE? Only those businesses and organizations that are registered to collect Kansas sales tax and provide their Kansas sales tax registration number on this form may use it to purchase inventory without tax. For additional information see Publication KS-1520, *Kansas Exemption Certificates*.

Nonprofit groups or organizations exempt by law from collecting tax on their retail sales of tangible personal property (such as a PTA or a nonprofit youth development organization) should use the exemption certificate issued to it by the Department of Revenue when buying items for resale.

Wholesalers and buyers from other states not registered in Kansas should use the Multi-Jurisdiction Exemption Certificate, Form ST-28M, to purchase their inventory. **HOWEVER**, if the inventory item purchased by an out-of-state retailer who has sales tax nexus with Kansas is drop shipped to a Kansas location, the out-of-state retailer must provide to the third party vendor a Kansas sales tax registration number, either on this certificate or the Multi-Jurisdiction Exemption Certificate, for the sale to be exempt. If the out-of-state retailer **DOES NOT** have sales tax nexus with Kansas, it may provide the third party vendor a resale exemption certificate evidencing qualification for a resale exemption, **regardless** of the state in which the retailer is registered for sales tax.

Contractors, subcontractors, or repairmen may not use this certificate to purchase their materials, parts, or tools. Retailer/Contractors should use a Retailer/Contractor Exemption Certificate, Form ST-28W, to purchase their resale inventory.

WHAT PURCHASES ARE EXEMPT? Only goods or merchandise intended for resale (inventory) are exempt. Tools, equipment, fixtures, supplies, and other items purchased for business or personal use are **TAXABLE** since the buyer is the final consumer of the property.

The items purchased with this certificate must correspond to the type of business buying them. For example, a retail clothing store may only reasonably purchase items of wearing apparel and accessories with this certificate. All other kinds of items are not usually sold by a clothing store to their customers and, therefore, cannot be purchased with this certificate.

LABOR SERVICES. This certificate applies **ONLY** to items of tangible personal property. A contractor may not use an exemption certificate to purchase the labor services of another contractor or subcontractor. Taxable labor services performed by a contractor can **ONLY** be purchased without tax with a Project Exemption Certificate issued by the department or its authorized agent.

RETAINING THIS CERTIFICATE: Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

KANSAS DEPARTMENT OF REVENUE
CONTRACTOR-RETAILER EXEMPTION CERTIFICATE

The undersigned **contractor-retailer** certifies that the tangible personal property purchased from:

Seller: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

is exempt from Kansas sales and compensating use tax for the following reason:

K.S.A. 79-3603(l)(2) provides that a contractor, subcontractor or repairman who maintains an inventory of tangible personal property both for resale and for use by them for the purpose of erecting structures, or improving altering or repairing real or personal property, shall be deemed a retailer with respect to purchases for and sales from such inventory.

Description of tangible personal property or services purchased: _____

I hereby certify that I hold a valid Kansas Sales Tax Registration Number: _____, and that

I am in the business of selling: _____, and that the location of my retail outlet is:

_____. The undersigned understands and agrees that if the tangible personal property or services are used other than as stated above or for any other purpose that is not exempt from Kansas sales or compensating tax, the undersigned purchaser becomes liable for the tax.

Purchaser: _____
Business Name

Address: _____
Street, RR, or P. O. Box City State Zip + 4

Authorized Signature: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY

WHO MAY USE THIS EXEMPTION? Only those contractors, subcontractors, or repairmen who maintain an inventory of merchandise for the purpose of making retail sales to the public may use this exemption certificate. A retail sale is a sale that **does not** include installing the item purchased. A contractor, subcontractor, or repairman who purchases materials for installation on a job-by-job basis and who does not maintain an inventory for the purpose of making retail sales is not a contractor-retailer, but is a **contractor**. **A contractor may not use this certificate.** A contractor is considered to be the final consumer of the materials purchased from a supplier for a job and, therefore, must pay sales tax on them when purchased. For more detailed information on how sales tax applies to the construction industry, consult Information Guide EDU-26, *Sales Tax Guidelines for Contractors and Contractor-Retailers*, which is available from our web site: www.ksrevenue.org

WHAT PURCHASES ARE EXEMPT? Only merchandise of the type that the contractor-retailer holds in its resale inventory may be purchased tax exempt with this certificate. Materials and supplies that may be purchased using this certificate include (but are not limited to): electrical supplies, lumber, nails, paints, plumbing supplies, screws, sheet rock, stains, varnishes, and wallpaper.

WHAT PURCHASES ARE TAXABLE? Tools and equipment necessary to perform a job (often considered overhead items) are **TAXABLE**. Contractors and contractor-retailers are the final users or consumers of any tools used in their trade or business and must pay sales tax on them when purchased. (If purchased from another state, a Kansas compensating use tax will be due if a sales tax equal to at least the state and local sales tax rate in effect where the item will be used, stored or consumed has not been paid on the purchase price). For additional information download Publication KS-1510, *Sales and Compensating Use Tax*, from the department's web site. Items such as drills, drill bits, hammers, nail guns, saws, screwdrivers, tool belts and wrenches are taxable. Tools and construction equipment leased or rented for a job are also taxable to the contractor or contractor-retailer unless the customer has furnished a Project Exemption Certificate.

LABOR SERVICES. This certificate applies ONLY to items of tangible personal property. Taxable labor services performed by a contractor, subcontractor or a contractor-retailer can only be purchased exempt from sales tax with a Project Exemption Certificate issued by the department or its authorized agent.

RETAINING THIS CERTIFICATE. Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

This is a multi-state form. Not all states allow all exemptions listed on this form. Purchasers are responsible for knowing if they qualify to claim exemption from tax in the state that would otherwise be due tax on this sale. The seller may be required to provide this exemption certificate (or the data elements required on the form) to a state that would otherwise be due tax on this sale.

The purchaser will be held liable for any tax and interest, and possibly civil and criminal penalties imposed by the member state, if the purchaser is not eligible to claim this exemption. A seller may not accept a certificate of exemption for an entity-based exemption on a sale made at a location operated by the seller within the designate state if the state does not allow such an entity-based exemption.

1. Check if you are attaching the Multi-state Supplemental form.
 If not, enter the two-letter postal abbreviation for the state under whose laws you are claiming exemption.
2. Check if this certificate is for a single purchase and enter the related invoice/purchase order # _____.

3. Please print _____

Name of purchaser			
Business Address	City	State	Zip Code
Purchaser's Tax ID Number	State of Issue	Country of Issue	
If no Tax ID Number	FEIN	Driver's License Number/State Issued ID Number	Foreign diplomat number
Enter one of the following:		State of Issue: Number	
Name of seller from whom you are purchasing, leasing or renting			
Seller's address	City	State	Zip code

4. Type of business. Circle the number that describes your business

- | | |
|---|---|
| <p>01 Accommodation and food services
 02 Agricultural, forestry, fishing, hunting
 03 Construction
 04 Finance and insurance
 05 Information, publishing and communications
 06 Manufacturing
 07 Mining
 08 Real estate
 09 Rental and leasing
 10 Retail trade</p> | <p>11 Transportation and warehousing
 12 Utilities
 13 Wholesale trade
 14 Business services
 15 Professional services
 16 Education and health-care services
 17 Nonprofit organization
 18 Government
 19 Not a business
 20 Other (<i>explain</i>) _____</p> |
|---|---|

5. Reason for exemption. Circle the letter that identifies the reason for the exemption.

- | | |
|--|--|
| <p>A Federal government (<i>department</i>) _____
 B State or local government (<i>name</i>) _____
 C _____ (<i>name</i>) _____
 D Foreign diplomat # _____
 E Charitable organization # _____
 F Religious or educational organization # _____
 G Resale # _____</p> | <p>H Agricultural production # _____
 I Industrial production/manufacturing # _____
 J Direct pay permit # _____
 K Direct mail # _____
 L Other (<i>explain</i>) _____</p> |
|--|--|

6. Sign here. *I declare that the information on this certificate is correct and complete to the best of my knowledge and belief.*

Signature of Authorized Purchaser	Print Name Here	Title	Date
--	------------------------	--------------	-------------

KANSAS DEPARTMENT OF REVENUE

U.S. GOVERNMENT, FEDERAL AGENCY OR INSTRUMENTALITY EXEMPTION CERTIFICATE

The undersigned purchaser certifies that the tangible personal property or service purchased from:

Seller: _____ Business Name

Address: _____ Street, RR, or P.O. Box City State Zip + 4

is exempt from Kansas sales and compensating use and transient guest tax for the following reason:

K.A.R. 92-19-77 exempts all direct purchases by the United States, its agencies or instrumentalities for their use, except when federal law provides that a particular agency or instrumentality will be subject to a state's tax laws. To qualify as a direct purchase, each bill, contract or other evidence of the transaction must be made out to the United States, its agency or instrumentality, and payment must be made by a federal check, warrant or voucher.

Description of tangible personal property or services purchased: _____

The undersigned understands and agrees that if the tangible personal property or services are used other than as stated above or for any other purpose that is not exempt from sales, compensating use, or transient guest tax, the undersigned purchaser becomes liable for the tax.

Purchaser: _____ Name of Federal Entity

Address: _____ Street, RR, or P.O. Box City State Zip + 4

Authorized Signature: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

WHO MAY USE THIS CERTIFICATE? Any agency or branch of the U.S. Government may use this certificate, such as the U.S. Post Office, Internal Revenue Service, Department of Agriculture, Secret Service, FBI, American Red Cross, Federal Aviation Administration, and all branches of the armed forces. The word "National" or "Federal" in the title of the entity does NOT necessarily mean it is an agency of the federal government. For example, Federal Credit Unions are exempt, but National Banks are not federal agencies and thus are not exempt.

WHAT PURCHASES ARE EXEMPT? Any item of tangible personal property or labor services (except as noted below) may be purchased by the federal government or any of its agencies exempt from sales and transient guest tax with this certificate. If the charges are billed directly to and paid directly by the federal government, the transaction is exempt from Kansas sales tax as a direct purchase.

Sales made to and paid for by an agent, employee, or other representative of the United States, its agencies or instrumentalities are TAXABLE, even when the agent or employee: 1) is on official business on behalf of the U. S. or any federal agency, 2) is on per diem (allowance for daily expenses), 3) is on an expense account, or will otherwise be reimbursed by the federal agency, or 4) has or will receive federal moneys, credits, or other assets to pay for the transaction. For example, a federal employee on per diem must pay sales tax on car rentals, unless using one of the centrally-billed federal credit cards discussed below.

Exception for sleeping room rentals: The rental of sleeping rooms by hotels, motels, accommodation brokers, etc. to the federal government, its agencies, officers or employees is exempt from sales tax when the room rental is made in association with the performance of official federal government duties. This sales tax exemption on indirect purchases by federal employees applies ONLY to the rental of sleeping rooms. Transient guest tax is still due when a federal government employee pays for the sleeping room.

Federal Credit Cards: The General Services Administration (GSA) issues "GSA SmartPay" credit cards to federal employees for official use. Purchases by a federal employee with a "For Official Government Fleet Use Only" or "For Official Government Purchase Use Only" Voyager, VISA, or MasterCard are exempt because these cards are centrally billed to the federal government. Purchases made using a "For Official Government Travel Use Only" VISA or MasterCard are exempt only if the sixth digit of the account number is a 0, 6, 7, 8 or 9; if the sixth digit is 1, 2, 3, or 4, the charge is taxable. Purchases made with a "For Official Government Use Only" MasterCard (an integrated use card) are exempt if the purchase is tangible personal property or fuel, repair services and other items related to vehicles, airplanes and boats. Other purchases, such as travel expenses, are taxable if the sixth digit of the account number is a 1, 2, 3, or 4, and exempt if the sixth digit is 0, 6, 7, 8, or 9. For a more complete discussion of federal credit card transactions, obtain the policy document entitled "Federal Credit Cards." It is available from our offices or from the Policy Information Library on our web site: www.ksrevenue.org.

CONSTRUCTION, REPAIR OR REMODELING PROJECTS. This certificate may also be used to purchase labor services exempt from sales tax. HOWEVER, when the U. S. government or its agencies contracts for the repair, remodeling, or construction of a real property project, it must request and obtain a Project Exemption Certificate from the department so that the contractor (such as a carpenter, electrician, or plumber) may purchase materials for the project exempt from sales tax. In the absence of a Project Exemption Certificate, only the contractor's labor services are exempt as a direct purchase.

RETAINING THIS CERTIFICATE. Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.

INSTRUCTIONS FOR COMPLETING FORM ST-28B

When gas, water, or electricity is furnished through one meter for both taxable and exempt purposes, the purchaser is responsible for determining the percentage of use exempt from sales tax. The sample worksheet provided below will help you to determine the percent of electricity, gas, or water that qualifies for exemption. If you have questions about this form, contact our Taxpayer Assistance Center, Kansas Department of Revenue, 915 SW Harrison St., 1st Floor, Topeka, KS, 66625-0001, or call (785) 368-8222.

AGRICULTURAL: Electricity and gas for agricultural use is exempt from the state sales tax but **not** exempt from the local taxes. Agricultural use does **not** include commercial operations such as processing food or dairy products, off-farm grain storage and marketing, lumbering, or use by a stockyard, slaughter house, floral shop, or turf farm.

CERTAIN NONPROFIT CORPORATIONS: Sales of electricity, gas, or water to properties which are exempt from property taxation under K.S.A. 79-201b Second through Sixth are exempt from state and local sales tax. Once the property is determined to be exempt, copies of the "order" from the Board of Tax Appeals and this completed exemption certificate (ST-28B) must be provided to the utility company and the Kansas Department of Revenue.

CONSUMABLES: The portion of electricity, gas, or water you use that meets the following requirements is exempt from state and local taxes: 1) essential or necessary to the process; 2) used in the actual process at the location during the production activity; 3) immediately consumed or dissipated in the process; and, 4) used in the production, manufacturing, processing, mining, drilling, refining, or compounding of tangible personal property or the treatment of by-products or wastes of any above

processes. The following uses of electricity, gas, or water are **not** exempt from sales tax: shipping, repairing, servicing, maintaining, cleaning the equipment and the physical plant, and storing.

INGREDIENT OR COMPONENT PART: An example of electricity, gas, or water which becomes an ingredient or component part and qualifies for exemption is "water" that is part of the ingredient in a beverage which is bottled and sold to a retailer for resale.

RESIDENTIAL: If the electricity, gas, or water you consume is for residential use only, you do not need to file this form. The utility company automatically exempts you from paying state sales tax (city and county sales tax still applies). However, if the electricity, gas, or water you consume is partly for residential purposes and partly for commercial use, you must determine the percent of usage that is residential and file copies of your worksheets and this completed form with your utility company and the Department of Revenue. Utilities consumed in commercial common areas such as an office, lounge, hallway, laundry facility, storage area, swimming pool, etc., **do not** qualify for exemption.

HOW MUCH OF MY UTILITY USE QUALIFIES FOR EXEMPTION? You will probably need several sheets of paper as worksheets. If your facility is serviced by more than one meter, you need to complete a separate chart to determine the percent of usage for each meter. If the facility is heated and air-conditioned by a central unit, you may use the square footage method to arrive at the residential percent of consumption for heating and cooling. You may need the assistance of a plumber or electrician to complete the formulas. Refer to the following example and steps to determine your exempt percent.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Type of Device	Rating of Device	Estimated Hours of Use Per Day	Load Factor	Number of Days the Device is Used Per Year	Usage Per Year stated in kWh, BTU, or Gallons
20 - light bulbs T	40 watts	10	1.00	324	2,592 kWh
1 - production machinery E	500 watts	10	.50	255	637.5 kWh

1. At the top of each page, place the headers as noted in the example and complete the following information per column:

- COLUMN 1**—List each device that is pulling the utility.
- COLUMN 2**—Rating of each device.
- COLUMN 3**—Estimate the number of hours of use per day (i.e., on average, twenty 40 watt light bulbs are on ten hours per day, therefore, enter "10").
- COLUMN 4**—Determine and enter load factor (i.e., when a light bulb is on it pulls the full rate of 100% power but a burner on the stove on "low" may only pull 30% load factor).
- COLUMN 5**—Number of days the device is used per year.
- COLUMN 6**—Determine usage per year stated in kilowatt-hours (kWh), BTU, or gallons.

$$1000 \text{ watts} = 1 \text{ kWh}$$

$$\text{Horsepower} = .746 \times \text{H.P.} = \text{watts}$$

$$\text{Ten 100-watt bulbs burning 1 hour will use 1 kWh}$$

$$1,000,000 \text{ BTU in 1 MCF}$$

- 2. Indicate beside each type of device an "E" for exempt or a "T" for taxable.
- 3. Multiply the quantity in column 1 by column 2 by column 3 by column 4 by column 5 to arrive at the sum for column 6.
- 4. Add the usage per year (column 6) for all of the devices you have indicated as "exempt" then add all of the usage per year (column 6) for all the devices that you have indicated as being "taxable." Adding the exempt and taxable usage should equal the total consumption per year as shown on your utility bills for the last 12 months.
- 5. Divide the total number of exempt kWh by the total number of kWh consumed in the last 12 months. This is the percent of usage that is exempt from tax. Enter this amount on line 5 on the front of this form (ST-28B).

The instructions provided are intended to help consumers of electricity, gas, or water complete this form.
In case of discrepancies, the applicable law prevails.

KANSAS DEPARTMENT OF REVENUE
VETERINARIAN EXEMPTION CERTIFICATE

The undersigned veterinarian certifies that the **drugs** and **pharmaceuticals** purchased from:

Seller: _____
Business Name

Address: _____
Street, RR, or P.O. Box City State Zip + 4

are exempt from Kansas sales and compensating use tax for the following reason:

K.A.R. 92-19-42 exempts the sale of drugs and pharmaceuticals to veterinarians for use by them in the professional treatment of animals or for resale.

Description of drugs and pharmaceuticals purchased: _____

The undersigned understands and agrees that if the drugs or pharmaceuticals are used other than as stated above or for any other purpose that is not exempt from sales or compensating tax, the undersigned veterinarian becomes liable for the tax.

Purchaser: _____
Name of Veterinarian

Address: _____
Street, RR, or P.O. Box City State Zip + 4

Authorized Signature: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.

WHO MAY USE THIS EXEMPTION? Only those persons licensed to practice veterinary medicine may use this certificate.

WHAT PURCHASES ARE EXEMPT? Only **prescription** drugs and pharmaceuticals are exempt from sales tax. To be exempt, the veterinarian must also keep a copy of the prescription order on file. When dealing with a veterinary or medical supply house that sells not only drugs and pharmaceuticals but other items not exempt (see below), a veterinarian may only use this certificate for the invoice items that are prescription drugs.

WHAT PURCHASES ARE TAXABLE? **Nonprescription** drugs (such as vitamins, diet pills, or weight loss tablets) and nonprescription salves and ointments are not exempt from sales tax. Veterinarians must pay sales tax on these and similar items used in their practice or given to a client for outpatient use as part of an examination or consultation.

Veterinarians must also pay sales tax on their medical supplies and equipment. The following is a representative but not exclusive list of items commonly purchased by veterinarians that are **TAXABLE**:

- | | | |
|------------------------|---------------------|---|
| Bandages | Medical instruments | Operating room equipment |
| Dressings | Needles | Pet food (prescription and nonprescription) |
| Furniture | Office equipment | Syringes |
| Magazine subscriptions | Office supplies | Topical sprays and shampoos |

If the above types of property are purchased from a retailer in another state and a sales tax equal the Kansas state and local sales tax rate in effect where the item is used, stored or consumed has not been paid a Kansas compensating use tax is due on these purchases. Additional information about Kansas compensating use tax is contained in Publication KS-1510, "Kansas Sales and Use Tax." This booklet is available from our office or web site: www.ksrevenue.org

Veterinarians should purchase items intended for resale to pet owners (such as collars, leashes, pet foods, shampoos and topical sprays) without tax using a Resale Exemption Certificate, Form ST-28A. In order to use a Resale Exemption Certificate, the veterinarian must have a Kansas sales tax registration number in order to collect the sales tax from the customer.

RETAINING THIS CERTIFICATE. Sellers should retain a completed copy of this certificate in their records for at least three years from the date of sale. A seller is relieved of liability for the tax if it obtains a completed exemption certificate from a purchaser with which the seller has a recurring business relationship. A certificate need not be renewed or updated when there is a recurring business relationship between the buyer and seller. A recurring business relationship exists when a period of no more than 12 months elapses between sales transactions.



State of Kansas
Department of Revenue
915 SW Harrison
Topeka, KS 66612-1588

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TAXPAYER ASSISTANCE

This publication is a general guide and will not address every situation. If you have questions or need additional information, please contact taxpayer assistance at the Kansas Department of Revenue (KDOR).

Taxpayer Assistance Center
Docking State Office Building - 1st floor
915 SW Harrison St.
Topeka, KS 66625-2007

Phone: (785) 368-8222
Hearing Impaired TTY: (785) 296-6461
Fax: (785) 291-3614
Web site: www.ksrevenue.org

Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

REQUEST FOR TAX FORMS

In addition to the publications listed below, KDOR's web site contains a library of policy information forms, press releases, and other informational notices. You can obtain printed copies by visiting our office in Topeka or by calling our voice mail Forms Request Line at 785-296-4937. (Due to limited state funding, KDOR has discontinued printing some of these publications; however all are available from our web site.)

- Publication KS-1216, Kansas Business Tax Application
- Publication KS-1220, Kansas Sales and Use Tax Refund
- Publication KS-1500, North American Industry Classification System
- Publication KS-1510, Kansas Sales and Compensating Use Tax
- Publication KS-1515, Kansas Tax Calendar of Due Dates
- Publication KS-1520, Kansas Exemption Certificates
- Publication KS-1525, Kansas Sales and Use Tax for Contractors, Subcontractors and Repairmen
- Publication KS-1526, Sales & Use Tax for Motor Vehicle Transactions
- Publication KS-1527, Sales and Use Tax for Kansas Political Subdivisions
- Publication KS-1530, Kansas Tire Excise Tax
- Publication KS-1540, Kansas Business Taxes For Hotels, Motels and Restaurants
- Publication KS-1550, Kansas Sales and Use Tax for the Agricultural Industry
- Publication KS-1560, Kansas Tax Guide for Schools and Educational Institutions
- Publication KS-1700, Kansas Sales Tax Jurisdiction Code Booklet
- KW-100, Kansas Withholding Tax Guide



Your suggestions and comments on this publication are important to us. Please address them to: Taxpayer Education, Kansas Department of Revenue, 915 SW Harrison St., Topeka, KS 66625-1588 or call (785) 296-2481.