**Private Letter Ruling**

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| **Ruling Number:** | **P-1998-38** |

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| **Tax Type:** | **Kansas Compensating Tax** |
| **Brief Description:** | **Application of retailers' compensating use tax to Kansas companies making purchases from out-of-state retailers.** |
| **Keywords:** |  |
| **Effective Date:** | **04/27/1998** |

**Body:**

Office of Policy & Research

April 27, 1998

XXXXXXXXXXXXXXXXXXX
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Dear XXXXXXXXXXXX:

The purpose of this letter is to respond to your letter dated April 10, 1998.

You generally stated in your letter: Your company XXXXXXXXXXXXX is registered to collect and remit Kansas retailers’ compensating (use) tax. Your company makes sales of tangible personal property to entities in Kansas. XXXXXXXXXXXXXX purchased from your company XXXXXXXXXXX equipment. The equipment was shipped from a location outside the State of Kansas. Your company does not maintain a warehouse or business location in Kansas. Your company billed XXXXX compensating (use) tax. XXXXX refuses to remit the tax to your company. Your company has asked XXXXX for exemption certificates. XXXXX has not provided your company with exemption certificates and stated that they are not required to pay you any tax as your company does not maintain a warehouse in Kansas. You have asked for a formal determination from the department as to whether or not XXXXX is required to pay the tax to your company.

It is the opinion of the Kansas Department of Revenue, that in absence of an exemption certificate XXXXX is required to pay the tax to XXXXXXXXXXXX.

Sincerely,

Mark D. Ciardullo
Tax Specialist

MDC

**Date Composed: 04/27/1998 Date Modified: 10/10/2001**