**Private Letter Ruling**

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| **Ruling Number:** | **P-1999-66** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Sales of various types of lifts and other equipment designed and used to provide accessibility to buildings.** |
| **Keywords:** |  |
| **Approval Date:** | **03/19/1999** |

**Body:**

Office of Policy & Research

March 19, 1999

XXXXXXXXXXXXX
XXXXXXXXXXXXX
XXXXXXXXXXX

Dear XXXXXXXXXXX:

The purpose of this letter is to respond to your letter dated December 1, 1998.

Your company sells various types of lifts and other equipment designed and used to provide accessibility to buildings. Due to restrictions of the manufacturers liability insurance your company cannot sell this equipment directly to the end user. The manufacturer requires the installers to be factory trained. Your company sells to either a general contractor or directly to the end user if your company performs the installation.

K.S.A. 79-3606(aaa) exempts from sales tax: “all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes.”

K.S.A. 79-3603(l) imposes sales tax on “the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real or personal property of others;”

Your company would be acting the capacity of a contractor. The imposition of sale and use tax in Kansas is on the final consumer. Contractors are the final user or consumer per Kansas statute and regulation.

Therefore, only the charges for the labor to install the equipment would be exempt when performed for a religious organization.

This is a private letter ruling pursuant to Kansas Administrative Regulation 92-19-59. It is based solely on the facts provided in your request. If it is determined that undisclosed facts were material or necessary to an accurate determination by the department, this ruling is null and void. This private letter ruling will be revoked in the future by operation of law without further department action if there is a change in the statutes, administrative regulations, or case law, or a published revenue ruling, that materially affects this ruling.

Sincerely,

Mark D. Ciardullo
Tax Specialist

MDC

**Date Composed: 03/26/1999 Date Modified: 10/11/2001**