**Private Letter Ruling**

|  |  |
| --- | --- |
| **Ruling Number:** | **P-1998-39** |

|  |  |
| --- | --- |
| **Tax Type:** | **Kansas Retailers' Sales Tax; Kansas Compensating Tax** |
| **Brief Description:** | **Definition of farm machinery and equipment.** |
| **Keywords:** |  |
| **Effective Date:** | **04/28/1998** |

**Body:**

Office of Policy & Research

April 28, 1998

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXX

Dear Mr. XXXXXXXX:

The purpose of this letter is to respond to your letter dated March 28, 1998.

You generally stated in your letter: That you have developed a product. The product is a XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX to keep mice from entering an encircled area. This will be used by farmers for their stored machinery and vehicles. My question is do I collect sales tax from these farmers or does this qualify as tax exempt for farm use? The life of this product is probably about five years.

K.S.A. 79-3606(t) exempts from Kansas retailers’ and compensating tax:

all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126 and amendments thereto. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

It would be the opinion of the Kansas Department of Revenue that the item you described would not qualify as farm machinery or equipment and therefore, you are required to register, collect and remit to Kansas, retailers’ sales tax.

Sincerely,

Mark D. Ciardullo
Tax Specialist

MDC

**Date Composed: 05/01/1998 Date Modified: 10/10/2001**