

# Compensating Use Tax Liability

## What is Compensating Use Tax?

Since 1937 Kansas has imposed a compensating use tax on goods and merchandise purchased from outside Kansas and used, stored or consumed in Kansas. Its purpose is to protect Kansas retailers from unfair competition from out-of-state retailers who sell goods tax-free by applying a tax on these items equal to the Kansas sales tax rate. It also helps to assure fairness to Kansans who purchase the same items in Kansas and pay Kansas sales tax on them.

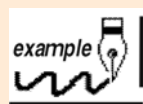
Individuals and businesses buying items from retailers in other states may be subject to Kansas use tax on those purchases. The use tax applies to the total cost of the merchandise, including postage, shipping, handling or transportation charges. The use tax rate is the same as the combined state and local sales tax rate in effect where the buyer takes delivery in Kansas. For individuals, this is usually our home. For businesses, it will be the office, shop, job site, etc. where the item(s) are used.

## Do You Owe Use Tax?

**Individual Kansans** that buy goods in other states or through catalogs, internet, mail-order companies, or from TV, magazine and newspaper ads must pay Kansas use tax on these purchases if the seller does not charge a Kansas tax equal to the Kansas Retailers' Sales Tax rate in effect where the item(s) will be used, stored or consumed.



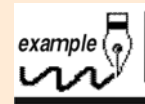
An Anytown, KS resident orders a computer from a company in New York over its web site. Total cost for the computer is \$2,000 plus \$10 shipping. The Anytown resident will owe 7.45% (current Anytown sales tax rate) Kansas use tax on the total cost of \$2,010.  $\$2,010 \times .0745 = \$149.75$ .



You call a toll-free number and place an order for gifts and food items. The items are shipped to your Kansas address and no tax is charged on the order. You will owe Kansas use tax on the total cost of these items since you would have had to pay Kansas sales tax on them had they been purchased from a Kansas retailer at the rate in effect at your address.

**Kansas businesses** also owe use tax on items on which they are the final consumers – equipment, fixtures, office supplies and other non-inventory items purchased for their business. When these items are purchased from a Kansas retailer, Kansas sales tax is paid to the retailer. When they are purchased from an out-of-state retailer without Kansas tax, the Kansas use tax must be paid directly to the Kansas Department of Revenue, at a

rate equal to the combined state and local sales tax rate where the business takes delivery in Kansas.



A Samletown, KS clothing store orders garment racks from a vendor in St. Louis for \$500 plus \$25 shipping charge. There is no sales tax on the invoice. The Samletown store will owe Kansas Consumers' Compensating Use Tax equal to the Samletown sales tax rate (currently 8%) on the total cost of these fixtures.  $\$525 \times .08 = \$42.00$ .

## How to Pay Use Tax

### Individuals - Complete line 18, Form K-40

To pay the Kansas use tax on your untaxed out-of-state purchases by mail, internet, etc., during calendar year 2010, please consult the **Line-By-Line Instructions** on page 18. You may either use the chart, or compute the tax due by applying the state and local tax rate in effect for your address to the total purchases subject to the tax.

**DON'T KNOW YOUR SALES TAX RATE?** Go on-line to [www.ksrevenue.org](http://www.ksrevenue.org) and select the "Kansas Sales and Use Tax Locator" under the "Your Business" section.

If you have any questions about use tax or about your responsibilities for reporting and paying this tax as an individual Kansas consumer, please contact our office at (785) 368-8222.

### Businesses - Obtain a Use Tax Reporting Number

Kansas businesses buying equipment, fixtures, tools, supplies and other taxable items for their business must register with the department and file separate use tax returns. There is no use tax reporting on Kansas income tax forms K-41 (Fiduciary Income Tax), K-120 (Corporation Income Tax), K-120S (Partnership or S Corporation Income Tax) or K-130 (Privilege Tax).

To obtain a use tax reporting number, simply complete the Business Tax Application, Form CR-16, available from our web site, office, or forms request line. The department will assign a reporting number and will periodically (quarterly returns for most taxpayers) send you the use tax returns (Form CT-10U) on which to report your taxable purchases and pay the use tax due. If your estimated use tax liability for a calendar year is less than \$80, you will only file one use tax return for the entire calendar year. Paperless filing and payment options are also available through our Online Business Center at [www.webtax.org](http://www.webtax.org).

More information about use tax for businesses, including a sample completed use tax return, is in our Publication KS-1510, Kansas Sales and Compensating Use Tax, available from our web site or office.