

KANSAS DEPARTMENT OF REVENUE
INTERSTATE COMMON CARRIER EXEMPTION CERTIFICATE

The undersigned **motor carrier** 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.A.R. 92-19-28 and K.A.R. 92-20-18 exempt the sale of rolling stock (including buses and trailers), repair or replacement materials and parts for rolling stock, gasoline, distillate and other motor fuels purchased for rolling stock when purchased by a motor carrier qualifying as a public utility, for immediate and direct use in interstate commerce. The qualifying motor carrier may be engaged in interstate commerce exclusively, or in both interstate and intrastate commerce.

Description of tangible personal property purchased: _____

The undersigned motor carrier further certifies that he or she qualifies as a public utility on the following basis:

Check one box and complete the information requested.

I have common carrier authority to haul regulated commodities. I will use the purchased item(s) as, or attached to, rolling stock for the purpose of hauling persons or commodities for hire in interstate commerce. My Motor Carrier authority is under the name of: _____. My Motor Carrier number is: _____. My USDOT number is: _____.

I do not have common carrier authority but I am hauling exempt (unregulated) commodities. I will use the purchased item(s) as, or attached to, rolling stock for the purpose of hauling unregulated commodities for hire in interstate commerce. My USDOT number is under the name of: _____. My USDOT number is: _____.

I do not have common carrier authority but I am leased to a holder thereof, and that I will use the purchased item(s) as, or attached to, rolling stock to haul persons or commodities for hire in interstate commerce.

My Kansas Sales Tax Registration Number is: _____.

I am leased to: _____
Lessor's Name

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

Address: _____

Lessor's Motor Carrier Number: _____ Lessor's USDOT Number: _____

CHARGES FOR LABOR SERVICES TO SERVICE, MAINTAIN, OR REPAIR ROLLING STOCK, INCLUDING BUSES AND TRAILERS, ARE TAXABLE.

The undersigned understands and agrees that if the tangible personal property is not used in interstate commerce, which is exempt from sales or compensating use tax, the undersigned motor carrier becomes liable for the tax.

Purchaser: _____
Motor Carrier Name

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

Authorized Signature: _____ Date: _____

THIS CERTIFICATE MUST BE COMPLETED IN ITS ENTIRETY.
(See reverse for additional information and instructions.)

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.