**Opinion Letter**

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| **Letter Number:** | **O-2002-004** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Tarp bought to cover the top of an agricultural gravity box.** |
| **Keywords:** |  |
| **Approval Date:** | **02/14/2002** |

**Body:**

Office of Policy & Research

February 14, 2002

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RE: Your letter received on February 8, 2002

Dear XXXX:

Thank you for your recent letter. You ask if a tarp that you bought to cover the top of a agricultural gravity box is exempt from sales tax. Please be advised your purchase is exempt from Kansas sales tax.

An agricultural gravity box often is used to haul grain from field to an unloading area. In your case, you haul grain from your grain bins to a livestock feeding area. Gravity boxes are designed to be loaded with grain or feed and pulled behind a farm tractor. When the hopper door at the bottom is opened to release the load, grain flows down the slopped sides using gravity to generate the movement. Gravity flow boxes may be mounted on two or four wheels. On four wheeled models, the wheels are typically located at the four corners of the vehicle and connected to one another by axles and a ladder frame. Bracing runs from the frame to the top section of box where the flat sides are parallel to one another. The flat sides below the top section are slopped to the hopper door. On some gravity boxes, an auger is incorporated into the side of the box and can be used for unloading instead of gravity.

Hopper boxes that are used in farming and ranching operations like yours qualify for sales tax exemption as farm machinery and equipment. A tarp that covers the hopper box is considered to be part of the exempt equipment and is also exempt. Since you paid sales tax on the purchase and have this written determination, the vendor should refund the sales tax you paid and take a deduction on its next months sales tax return. The vendor should place a copy of this letter in their files. I hope that I have answered your questions. If you or your vendor have any more questions, please call me at 785-296-3081.

Sincerely,

Thomas E. Hatten
Attorney/Policy & Research

**Date Composed: 02/27/2002 Date Modified: 02/27/2002**