**Private Letter Ruling**

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| **Ruling Number:** | **P-2000-03** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Services provided for the maintenance of sports fields.** |
| **Keywords:** |  |
| **Approval Date:** | **01/24/2000** |

**Body:**

Office of Policy & Research

January 24, 2000

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Dear Mr. TTTTT:

We wish to acknowledge receipt of your letter postmarked January 11, 2000, regarding the application of Kansas Retailers’ Sales tax.

The following is the list of services that your company may provide for sports fields, and the sales tax status of each service.

Aerating - Exempt
Edging and/or trimming - Exempt
Mowing - Exempt
Dethatching - Exempt
Chemical application - Taxable
Seeding - Taxable
Sodding - Taxable
Landscaping - Taxable
Rototilling - Exempt
General field clean-up - Exempt
Planting shrubs and/or trees - Taxable
Top soil, sand or rock/stone - Taxable

Since, you are providing some nontaxable services, you would need to pay sales tax on all articles of tangible personal property, such as equipment and supplies, purchased to provide the nontaxable service. Additionally, you may not claim an exemption from sales tax, merely because you have a tax registration number.

Please be advised that schools are eligible to obtain project exemption certificates. A project exemption certificate is a numbered document issued by the Kansas Department of Revenue. Its purpose it to exempt the entire project, materials and labor, from sales tax. To avoid the additional cost of sales tax on project materials and labor services of subcontractors, schools should request a project exemption certificate for each construction, remodel, or repair project. A project exemption certificate may significantly reduce a project’s cost since contractors may buy materials and purchase subcontractor labor for the project exempt from sales tax.

You may purchase your materials, such as seed, sod and trees/shrubs exempt from sales tax, by providing your vendors a properly completed Kansas resale exemption certificate. Then, on all taxable services, which involve the installation tangible personal property, you would be obligated to collect and remit the appropriate Kansas sales tax(es) on the gross receipts received therefrom.

This is a private letter ruling pursuant to K.A.R. 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 ruling will be revoked in the future by the operation of law without further department action if there is a change in the statutes, administrative regulations, or case law, or published revenue ruling, that materially effects this private letter ruling. If I may be of further assistance, please contact me at your earliest convenience at (785) 296-7776.

Sincerely yours,

Thomas P. Browne, Jr.
Tax Specialist

TPB

**Date Composed: 02/15/2000 Date Modified: 10/11/2001**