

SALES TAX RESALE OR EXEMPTION CERTIFICATE

|               |       |          |              |       |          |
|---------------|-------|----------|--------------|-------|----------|
| Seller's Name |       |          | Buyer's Name |       |          |
| Address       |       |          | Address      |       |          |
| City          | State | Zip Code | City         | State | Zip Code |

**1. Buying for Resale.** I will sell, rent or lease the goods I am buying in the regular course of my business.

a. Primary nature of business \_\_\_\_\_ Describe products sold/leased/rented \_\_\_\_\_

b. Check the block that applies:

Idaho registered retailer, seller's permit number \_\_\_\_\_

Wholesale only, no retail sales (required - see instructions)

Out-of-state retailer, no Idaho business presence

**2. Producer Exemptions.** I will put the goods purchased to an exempt use in the business indicated below. Check the block that applies and complete the required information.

Logging Exemption

Broadcasting Exemption

Publishing Free Newspapers

Production Exemption - check one:  Farming  Ranching  Manufacturing  Processing  Fabricating  Mining

List the products you produce: \_\_\_\_\_

**3. Exempt Buyer.** All purchases are exempt. Check the block that applies.

|  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> American Indian Tribe           | <input type="checkbox"/> Emergency Medical Service Agency | <input type="checkbox"/> Idaho Government Entity | <input type="checkbox"/> State/Federal Credit Union     |
| <input type="checkbox"/> American Red Cross              | <input type="checkbox"/> Federal Government               | <input type="checkbox"/> Nonprofit Canal Company | <input type="checkbox"/> Qualifying Health Organization |
| <input type="checkbox"/> Amtrak                          | <input type="checkbox"/> Forest Protective Association    | <input type="checkbox"/> Nonprofit Hospital      | <input type="checkbox"/> Volunteer Fire Department      |
| <input type="checkbox"/> Blind Services Foundation, Inc. | <input type="checkbox"/> Idaho Community Action Agency    | <input type="checkbox"/> Nonprofit School        |   |
| <input type="checkbox"/> Center for Independent Living   | <input type="checkbox"/> Idaho Foodbank Warehouse, Inc.   | <input type="checkbox"/> Senior Citizen Center   |   |

**4. Contractor Exemptions.** This exemption claim applies to the following invoice, purchase order, or job number.

a. Invoice, purchase order or job number to which this claim applies \_\_\_\_\_

b. City and state where job is located \_\_\_\_\_

c. Project owner name \_\_\_\_\_

d. This exempt project is: (check appropriate box)

In a nontaxing state. (Only materials that become part of the real property qualify.)

An agricultural irrigation project.

For production equipment owned by a producer who qualifies for the production exemption.

**5. Other Exempt Goods and Buyers** (see instructions).

|   |  |
|---|--|
| <input type="checkbox"/> Aircraft used to transport passengers or freight for hire  | <input type="checkbox"/> Other goods or entity exempt by law under the following statute _____ (required - see instructions) |
| <input type="checkbox"/> Aircraft purchased by nonresident for out-of-state use   | <input type="checkbox"/> Pollution control equipment required by law   |
| <input type="checkbox"/> American Indian buyer holding Tribal I.D. No. _____. The goods must be delivered within the boundaries of the reservation. | <input type="checkbox"/> Qualifying medical items to be administered/distributed by a licensed practitioner                  |
| <input type="checkbox"/> Church buying goods for food bank or to sell meals to members  | <input type="checkbox"/> Research and development goods for use at INEEL   |
| <input type="checkbox"/> Food bank or soup kitchen buying food or food service goods  | <input type="checkbox"/> Snow making or grooming equipment, or aerial tramway component                                      |
| <input type="checkbox"/> Heating fuel and other utilities   |  |
| <input type="checkbox"/> Livestock sold at a public livestock market  |  |

**Buyer: Read and sign.** I certify that all statements I have made on this form are true and correct to the best of my knowledge. I understand that falsification of this certificate for the purpose of evading payment of tax is a misdemeanor. Other penalties may also apply.

|  |       |
|--|-------|
| Buyer's Signature  | Title |
| Buyer's Federal EIN or Driver's License No. and State of Issue | Date  |

**Attention Seller:** Each of the exemptions a customer may claim on this form has special rules (see instructions on back). It is your responsibility to learn the rules and charge tax to any customers and on any goods that do not qualify for a claimed exemption and are taxable as a matter of law. You may accept this certificate from the buyer prior to the time of sale, at the time of sale, or at any reasonable time after the sale to document the exemption claim.

\* This form may be reproduced.      \* This form is valid only if all information is complete.  
 \* The seller must retain this form.      \* See instructions on back.

## INSTRUCTIONS

**1. Buying for Resale:** The buyer must have an Idaho seller's permit number unless he is a wholesaler who makes no retail sales or an out-of-state retailer with no Idaho business presence (e.g. physical location, representatives or employees, etc.) An Idaho seller's permit number has up to nine digits followed by an "S." **Example:** 123456-S. If the number contains any other letter or is an inappropriate number, such as a federal Employer Identification Number, the certificate is not valid. If you wish to verify a seller's permit number, call any State Tax Commission office.

**2. Producer Exemptions:** Businesses that produce products for resale can buy goods that are directly and primarily used in the production process without paying tax. Loggers, publishers of free newspapers (with at least 10% editorial content) and broadcasters are granted a similar exemption. However, a seller must charge these buyers sales tax on any of the following:

- A hand tool with a unit cost of \$100 or less
- Transportation equipment and supplies
- Research equipment and supplies
- Goods used in selling/distribution
- Janitorial or cleaning equipment or supplies
- Maintenance or repair equipment and supplies
- Office equipment and supplies
- Any licensed motor vehicle or trailer and parts
- Aircraft and parts
- Recreation vehicle
- Goods that become improvements to real property (such as fence posts)

**Note to seller:** You may stamp or imprint a *Producer Exemption Claim* on the front of your invoice. If a customer fills in his exemption claim on a stamped or imprinted statement each time you make an exempt sale to him, you do not have to keep a Form ST-101 on file for the customer. Contact any Tax Commission Office to obtain the required language for the statement.

**3. Exempt Buyers:** These buyers are exempt from tax on all purchases.

**Hospitals:** Only licensed nonprofit hospitals qualify. Nursing homes or similar institutions do not.

**Schools:** Only nonprofit colleges, universities, primary and secondary schools qualify. Schools primarily teaching subjects like business, dancing, dramatics, music, cosmetology, writing and gymnastics do not qualify. Auxiliary organizations, such as parent-teacher associations and alumni groups, do not qualify.

**Centers for Independent Living:** Only nonresidential centers run by disabled persons that provide independent living programs to people with various disabilities qualify.

**Qualifying Health Organizations:** Only these qualify –

|                                      |                                       |
|--------------------------------------|---------------------------------------|
| American Cancer Society              | Idaho Primary Care Association        |
| American Diabetes Association        | and its Community Health Centers      |
| American Heart Association           | Idaho Ronald McDonald House           |
| The Arc, Inc.                        | Idaho Women's and Children's Alliance |
| Arthritis Foundation                 | March of Dimes                        |
| Children's Home Society of Idaho     | Mental Health Association             |
| Easter Seals                         | Muscular Dystrophy Foundation         |
| Family Services Alliance of SE Idaho | National Multiple Sclerosis Society   |
| Idaho Cystic Fibrosis Foundation     | Rocky Mountain Kidney Association     |
| Idaho Diabetes Youth Programs        | Special Olympics Idaho                |
| Idaho Epilepsy League                | United Cerebral Palsy                 |
| Idaho Lung Association               |                                       |

**Government:** Only the federal government and Idaho state, county or city government qualify. Sales to other states and their political subdivisions are taxable.

**4. Contractor Exemptions:** Three exemptions apply to contractors. In each case, a contractor must list the job location, project owner, and whether the exemption claim applies to a specific invoice or purchase order, or to all purchases for a specific job number.

**Nontaxing State:** Construction materials for a job in a nontaxing state are exempt from Idaho sales tax. This exemption applies only to materials that will become part of real property and only if the contractor is not subject to a use tax or a similar tax in the other state. Jobs in Oregon, Montana and Alaska qualify, and some jobs in Washington.

**Agricultural Irrigation:** Irrigation equipment and materials for an agricultural irrigation project are exempt. Only agricultural irrigation projects qualify. For example, an irrigation system for a golf course or a residence would not qualify.

**Production Equipment:** A contractor who installs production equipment for a producer/manufacture can buy the materials for the production equipment exempt from tax. This exemption does not apply to materials that become part of real property.

**5. Other Exempt Goods and Buyers:** If a buyer claims an exemption that is not listed on this form, he should mark the "other" block and must list the section of the law under which he is claiming the exemption or the certificate is not valid.

**Aircraft Purchased by Nonresidents for Out-of-State Use:** An aircraft sold to a nonresident is exempt if it will be immediately removed from Idaho and registered in another state and will not be stored or used in Idaho more than 90 days in any 12-month period. Aircraft kits and hang gliders do not qualify for this exemption.

A business is a "nonresident" if it has no business presence in Idaho. A business with property in Idaho, or employees working here, does not qualify for this exemption.

**Aircraft Used to Transport Passengers or Freight for Hire:** Only aircraft purchased by an airline, charter service, air ambulance service or air freight company qualify. Parts and repair and replacement materials for the exempt aircraft are also exempt. Examples of aircraft that don't qualify for this exemption are those used for recreational flights, aerial spraying, dumping or logging.

**American Indian:** Sales to an enrolled Indian tribal member are exempt if the seller delivers the goods to him within the reservation boundaries. The buyer's Tribal Identification Number is required.

**Church:** A church may buy food to sell meals to its members or qualifying goods for its food bank without paying tax. Churches must pay tax on all other goods they buy to use.

**Food banks and Soup Kitchens:** Food banks and soup kitchens may buy food or other goods used to grow, store, prepare or serve the food exempt from sales tax. The exemption does not include licensed motor vehicles or trailers.

**Heating Fuels:** Heating fuels such as wood, coal, petroleum, propane and natural gas are exempt when purchased to heat an enclosed building or a building under construction, or when used for cooking or water heating.

**Livestock:** Sales of cattle, sheep, mules, horses, swine and goats are exempt when sold at a public livestock market. Sales of other animals do not qualify for this exemption.

**Medical Items:** Only the following medical goods qualify if they will be administered or distributed by a licensed practitioner; drugs, oxygen, insulin, syringes, prosthetic devices, durable medical equipment, dental prosthesis, orthopedic appliances, urinary and colostomy supplies, enteral and parenteral feeding equipment and supplies, hemodialysis and peritoneal dialysis drugs and supplies, and chemicals and equipment used to test or monitor blood or urine of a diabetic.

**Pollution Control Equipment:** Equipment required by a state or federal agency and "dry to dry transfer systems" used by the dry cleaning industry qualify. Chemicals and supplies used for pollution control do not qualify. Equipment for licensed motor vehicles does not qualify.

**Research and Development at INEEL:** Only goods that are directly and primarily used in research, development, experimental and testing activities at the Idaho National Engineering and Environmental Laboratory qualify. Items that become a part of real property do not qualify.

**Ski Resorts:** The owner or operator of a downhill ski area with an aerial passenger tramway may buy parts, material and equipment that become a component part of the tramway and snowgrooming and snowmaking equipment for the slope exempt from tax. An aerial tramway includes chair lifts, gondolas, T-bar and J-bar lifts, platter lifts, rope tows and similar devices.