

Kansas Administrative Regulations

Kansas Department of Revenue

Article 19.—Kansas Retailers' Sales Tax

92-19-77. Sales to the United States, its agencies and instrumentalities.

(a) All direct purchases made by the United States, its agencies or instrumentalities for the use of the United States, its agencies or instrumentalities shall not be taxable except when the United States has provided by federal statute that a particular agency or instrumentality shall be subject to a state's tax laws.

(b) To qualify as a direct purchase, each bill, invoice, contract or other evidence of the transaction shall be made out in the name of the United States, its agency or instrumentality, and payment shall be made on a federal check, warrant or voucher.

(c) Sales of tangible personal property or taxable services made to and paid for by an agent, employee or other representative of the United States, its agencies or instrumentalities shall be taxable, even though the same purchase would have been exempt from sales tax had the United States, its agency or instrumentality directly purchased the tangible personal property or services. Contractual arrangements or understandings between an agent or employee and the United States, its agencies or instrumentalities shall not be recognized by the department, and the retailer shall charge and collect the sales tax on the total selling price of tangible personal property or services, even though the agent or employee:

(1) is on official business on behalf of the United States, its agencies or instrumentalities;

(2) is on a per diem;

(3) is on an expense account, allowance or shall otherwise be reimbursed by the United States, its agencies or instrumentalities; or

(4) or has or shall receive monies, credits or other assets from the United States, its agencies or instrumentalities to pay for the transaction.

(d) All sales of tangible personal property and taxable services sold to national banks, federal savings and loans and federal credit unions shall be subject to Kansas sales tax.

(Authorized by K.S.A. 79-3618; implementing K.S.A. 1986 Supp. 79-3606 as amended by L. 1987, Ch. 292, Sec. 32, as further amended by L. 1987, Ch. 64, Sec. 1; effective May 1, 1988.)

***** Authenticated Kansas Administrative Regulation *****