**Private Letter Ruling**

|  |  |
| --- | --- |
| **Ruling Number:** | **P-1999-245** |

|  |  |
| --- | --- |
| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Rentals of hotel rooms by educational institutions.** |
| **Keywords:** |  |
| **Approval Date:** | **11/04/1999** |

**Body:**

Office of Policy & Research  
  
  
November 4, 1999

XXXXXXXXXXXX  
XXXXXXXXXXXXXX  
XXXXXXXXXXXXXXX  
  
I have been asked to respond to your letter dated November 4, 1999. In it, you ask for guidance in the application sales tax on sales to educational institutions on rentals of hotel rooms.  
  
Direct sales by Kansas retailers to XXXXXXXXXXXXX are exempt from Kansas retailers’ sales tax.  
  
Kansas sales tax law exempts “all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution. . .” K.S.A. 79-3606(c).  
  
Direct sales to your school are exempt from Kansas retailers’ sales tax. A “direct sale” is one that meets all requirements as contained in Kansas Administrative Regulation 92-19-76. This means that the billing from the hotel must be to the school, and that payment must be made to the hotel on a school check or voucher. Purchases by teachers, students or school organizations or groups are not exempt. See Kansas administrative Regulation 92-19-76 contained in Appendix. Please note that while these charges are exempt from Kansas sales tax, they are still subject to Kansas transient guest tax.  
  
This private letter ruling is based solely on the facts provided in your request. If it is determined that undisclosed facts were material or necessary to make an accurate determination by the department, this ruling is null and void. This private letter ruling will be revoked in the future by operation of law without further department action if there is a change in the statutes, administrative regulations, or case law, or a published revenue ruling, that materially affects this private letter ruling.  
  
  
Sincerely,  
  
  
  
Mark D. Ciardullo  
Tax Specialist  
  
  
MDC  
  
  
**Date Composed: 11/05/1999 Date Modified: 10/11/2001**