**Private Letter Ruling**

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| **Ruling Number:** | **P-1999-125** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Purchase of a fuel truck by a city for operation at an airport.** |
| **Keywords:** |  |
| **Approval Date:** | **05/21/1999** |

**Body:**

Office of Policy and Research

May 21, 1999

XXXXXXXXXX
XXXXXXXXXXXXXXX
XXXXXXXXXXXXXXX
XXXXXXXXXXXX

Dear XXXXXXXXXXXX:

I have been asked to respond to your letter dated April 30, 1999. In it, you ask for guidance in the application sales tax.

In your letter you stated:

We have a question regarding a fuel truck we are purchasing for our airport. This is a used truck coming from Texas. The City will own the truck, however we do not receive any revenue for the airport, it is managed by XXXXXXXX Aviation.

Our question is should we pay sales tax on this truck.

Kansas sales tax law exempts all direct purchases by a city, except when such city engages in the business of furnishing gas, water, electricity or heat to others and such items
of personal property or service are used or proposed to be used in such business. K.S.A. 79-3606(b).

It is the opinion of the Kansas Department of Revenue that the purchase of the fuel truck as described in this letter is exempt from Kansas retailers’ sales and compensating tax.

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 affects this private letter ruling.

Sincerely,

Mark D. Ciardullo
Tax Specialist

MDC

**Date Composed: 05/27/1999 Date Modified: 10/11/2001**