**Private Letter Ruling**

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| **Ruling Number:** | **P-2001-046** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Vending machines and video games.** |
| **Keywords:** |  |
| **Approval Date:** | **05/16/2001** |

**Body:**

Office of Policy & Research

May 16, 2001

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Dear Ms. TTTTTT:

We wish to acknowledge receipt of your letter dated May 15, 2001, regarding the application of Kansas Retailers’ Sales tax.

K.S.A. 79-3603(f) imposes a sales tax: "upon the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated."

Examples of vending machines providing tangible personal property would include candy, cookies, chips, pop, newspapers and movie rentals.

Examples of vending machines providing amusement would include arcade games.

Examples of vending machines providing services would include shoe shines.

An honor box shall be considered as a vending machine.

K.A.R. 92-21-13 states in part: "The retailer's place of business when making sales through a vending machine is the place where the vending machine is located when such sales are made."

In closing the gross receipts received from the video games located in this state, would be subject to the appropriate Kansas sales tax(es).

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: 05/21/2001 Date Modified: 10/11/2001**