**Private Letter Ruling**

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| **Ruling Number:** | **P-2001-127** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Taxability of certain publications.** |
| **Keywords:** |  |
| **Approval Date:** | **11/09/2001** |

**Body:**

Office of Policy & Research

November 9, 2001

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Dear Sirs:

The purpose of this letter is to respond to your letter dated September 21, 2001.

In your letter you stated:

I would like some advice on the taxability of publications in your state.

I understand that some states have exemptions for specific types of publications. I would like to know if your state has any exemptions that we may claim for the publications in question, as detailed below.

A retail company has catalogs printed that are industry specific, and for informational purposes only. The catalogs are printed approximately every six weeks, and are then delivered to various retail locations throughout the state. The catalogs are available to retail customers free of charge.

Your letter continues with a series of questions:

Do the catalogs qualify as periodicals, and if so, is there a periodical exemption available in your state?

Answer: Kansas does not exempt periodicals from sales or compensating (use) taxes.

Is the retail company that had the catalogs printed responsible for use tax?

Answer: Yes, this assumes the catalogs are printed outside of Kansas and shipped to a Kansas address. If the catalogs were printed in Kansas and delivered to a Kansas address, then sales tax would be due on the sale.

If the answer to the above question is yes, is the tax calculated on the actual printing cost, or is the taxable base calculated using another method, such as a percentage of the cost?

Answer: The tax base is the printer’s charges to your company including any shipping or delivery charges.

Does the method of delivery have any impact on the taxability of these catalogs?

Answer: No.

If you can, please provide statutes, regulations or citations in your law so that I may have documentation for my files.

The following Kansas Administrative Regulation is on point.

92-19-12 Newspapers, magazines, periodicals, trade journals, publications and other printed matter.

(a) Newspapers, magazines, periodicals, trade journals, publications and other printed matter are tangible personal property and the receipts from retail sale of these items are taxable.

(b) When subscriptions for newspapers, magazines, periodicals, trade journals, publications and other printed matter are taken within the state of Kansas, sent to a printer or publishing house outside Kansas and the publication is thereafter mailed to the subscriber within Kansas, the receipts from the subscriptions are taxable.

(c) When newspapers, trade publications, advertising pamphlets, circulars and other publications, are distributed free of charge, the person printing or publishing the publication for sale to the distributor is deemed to be the seller thereof and must collect the tax.

(d) Each person who prints or produces and distributes publications, free of charge, is regarded as the final user or consumer of all materials used to print or produce the publication. For tax purposes, the printer or publisher shall pay sales tax on all purchases of materials used to print or produce the publication. If a person prints or publishes tangible personal property for sale to consumers, and also prints or publishes publications which are distributed free of charge, a person may purchase all materials used in the printing and publishing process exempt from sales tax. When a person prints or publishes the publication for distribution free of charge, that person shall include the cost of all exempt materials purchased for use in printing or producing that publication on the sales tax return and impose sales tax on that amount. (Authorized by K.S.A. 79-3618, K.S.A. 1986 Supp. 79-3602, 79-3603 as amended by L. 1987, Ch. 182, Sec. 108, 79-3606, as amended by L. 1987, Ch. 64, Sec. 1; effective, E-70-33, July 1, 1970; effective, E-71-
8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1988.)

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: 11/09/2001 Date Modified: 11/09/2001**