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Sec. 12-426-1. Resale certificates

(a) The burden of proving that the sale, lease or rental of tangible personal property pursuant to Regulation 12-426-25 or a sale of a service taxable pursuant to Regulations 12-426-26 and 12-426-27 is not a sale at retail is upon the seller/lessor unless he takes a certificate from the purchaser that the property or service is purchased for resale.

The certificate shall be taken in good faith from a person engaged in selling or leasing tangible personal property or taxable services who, at the time of purchase, intends to sell the property or services in the regular course of business or cannot then ascertain whether it will be so sold or not.

The certificate shall be substantially in the form prescribed in subsection (b). It shall in all cases be signed by the purchaser, bear his name and address and indicate the general character of the property or service sold by the purchaser in the regular course of his business. It shall also bear the number of the seller's permit held by the purchaser, but, if he is not required to hold a permit because he sells only property of a kind the sale of which is not taxable, e.g., food products for human consumption, or because he makes no sales in this state, he should make an appropriate notation to that effect on the certificate in lieu of his seller's permit number.

(b) The following form of resale certificate is prescribed by the commissioner of revenue services and copies of the same may be made and used by any seller of tangible personal property or services in accordance with this section:

SALES & USE TAX RESALE CERTIFICATE

issued to (seller) _____ address _____

I certify that _____ name of firm (buyer) _____ is engaged as a registered
 () wholesaler
 street address or p.o. box no. _____ () retailer
 () manufacturer
 city _____ state _____ zip code () lessor
 () other (specify)

and is registered with the below listed states and cities within which your firm would deliver purchases to us and that any such purchases are for wholesale, resale, ingredients or components of a new product to be resold, leased, or rented in the normal course of our business. We are in the business of wholesaling, retailing, manufacturing, leasing (renting) the following:

city or state	state registration or ID no.	city or state	state registration or ID no.
.....
city or state	state registration or ID no.	city or state	state registration or ID no.
.....
city or state	state registration or ID no.	city or state	state registration or ID no.
.....

I further certify that if any property so purchased tax free is used or consumed by the firm as to make it subject to a sales or use tax we will pay the tax due direct to the proper taxing authority when state law so provides or inform the seller for added tax billing. This certificate shall be part of each order which we may hereafter give to you, unless otherwise specified, and shall be valid until cancelled by us in writing or revoked by the city or state.

General descriptions of products to be purchased from the seller:

I declare under the penalties of false statement that this certificate has been examined by me and to the best of my knowledge and belief is a true, correct and complete certificate.

.....
authorized signature

(owner, partner or corporate officer) title date

Under "General Description of products to be purchased from the seller" there may appear (1) Either an itemized list of the particular property/service(s) to be purchased or leased for resale or (2) A general description of the kind of property to be purchased for resale.

This certificate may be used for the purpose of a single purchase of commodities/services for resale; in such case (1) above applies, or it may be used as a blanket certificate for the purpose of a continuing line of purchases of commodities for resale in the regular course of business; in the latter case (2) above applies, and the certificate should be plainly marked "Blanket Certificate."

(c) The good faith of the seller will be questioned if he has knowledge of facts which give rise to a reasonable inference that the purchaser does not intend to resell the property, as, for example, knowledge that a purchaser of particular merchandise is not engaged in the business of selling that kind of merchandise.

(d) Resale certificates shall be valid only for the period in which the purchaser is a reseller of the items covered in such certificates but should be renewed at least every three years from the date of issue.

(e) The terms "selling" and "purchasing" of tangible personal property or commodities also encompass leases or rentals of tangible personal property or commodities.

(f) Services may only be "sold" or "purchased" and not rented or leased.
(Effective April 7, 1980)

Sec. 12-426-2. Barbers, beauty shop operators, bootblacks, launderers and cleaners

Barbers, beauty shop operators, bootblacks, launderers and cleaners are the consumers of the supplies and other property used in performing their services. They are retailers, however, of any such supplies or of used articles or other tangible personal property which they sell to consumers in the regular course of business.

Note:—"Consumer" pays a tax reimbursement to the retailer when purchase is made in this state.

"Retailer" collects the tax reimbursement from the customer and pays the applicable rate of sales tax to the state quarterly on his gross receipts.

(Effective April 4, 1972)

Sec. 12-426-3.

Repealed, March 5, 2003.

Sec. 12-426-4. Florists

The tax applies to amounts charged by a florist to his customers for delivery of flowers, wreaths, etc., to points within Connecticut, even though he instructs another florist to make such delivery, but in this case the tax does not apply to amounts received by the florist making the delivery within the state. The tax applies to amounts charged by florists who receive orders for the delivery of flowers, wreaths, etc., to points outside this state and who instruct florists outside this state to make the delivery. The tax does not apply to separate charges made for telegrams or telephone calls in connection with such sales nor does it apply to amounts received by Connecticut florists who make deliveries in this state pursuant to instructions received from florists outside this state.

Sec. 12-426-5.

Repealed, July 28, 1987.

Sec. 12-426-5a. Funeral establishments

(a) **In general.** The sale of tangible personal property within this state is subject to the sales tax imposed under chapter 219 (Sales and Use Tax Act). Subsection (55) of section 12-412 of the Connecticut General Statutes exempts from the sales tax the sale of tangible personal property by a funeral establishment, where the property is used directly by a funeral establishment in performing burial or cremation services and where the sales price of the property is two thousand five hundred dollars or less. (Where the sales price of the property so used is more than two thousand five hundred dollars, the tax applies only to the amount of the sales price in excess of two thousand five hundred dollars.) Subsection (b) of this section pertains to the direct use of property by a funeral establishment. Subsection (c) of this section pertains to amounts which are includible in the gross receipts of a funeral establishment and amounts which are deductible from the gross receipts of a funeral establishment. Subsection (d) of this section pertains to purchases by a funeral establishment.

(b) Direct use of property

(1) Property used directly in performing burial or cremation services includes caskets, vaults, outside containers and burial clothing.

(2) Property not used directly in performing burial or cremation services includes flowers and monuments. (The sale of tangible personal property not used directly by a funeral establishment in performing burial or cremation services is subject to the sales tax, irrespective of the sales price.)

(c) Gross receipts of funeral establishment

(1) The measure of the sales tax is gross receipts from retail sales. When selling tangible personal property used in performing burial or cremation services, a funeral establishment is making retail sales, and its gross receipts therefrom are subject to the sales tax.

(2) The following gross receipts of a funeral establishment shall be reported on the sales tax return:

(A) gross receipts from retail sales of caskets, vaults, burial clothing, flowers, and monuments, irrespective of where burial occurs. (See also subdivision (3) (A) of this subsection which concerns certain deductions from gross receipts.)

(B) gross receipts from retail sales of tangible personal property, whether or not used directly by the funeral establishment in performing burial or cremation services. (See also subdivision (3) (B) of this subsection which concerns certain deductions from gross receipts.)

(C) gross receipts from retail sales of burial clothing, whether or not the sales price is less than seventy-five dollars. (See also subdivision (3) (C) of this subsection which concerns certain deductions from gross receipts.)

(3) A deduction may be claimed on the sales tax return:

(A) where burial occurs without this state, for an out-of-state sale. The deduction shall be in an amount equal to the gross receipts attributable to the retail sales made in those instances where burial occurs without this state.

(B) where property sold by the funeral establishment is used directly in performing burial or cremation services, for funeral expenses. The deduction shall be in an amount equal to the gross receipts attributable to the retail sales of property used directly in performing burial or cremation services, provided no more than two thousand five hundred dollars shall be deductible per burial or cremation service. Where burial occurs without this state, the deduction for an out-of-state sale, rather than the deduction for funeral expenses, may be claimed.

(C) where the sales price of burial clothing is less than seventy-five dollars, for clothing under seventy-five dollars. The deduction shall be in an amount equal to the gross receipts attributable to the retail sales of burial clothing, the sales price of which is less than seventy-five dollars. Where the sales price of burial clothing is less than seventy-five dollars but burial occurs without this state, the deduction for an out-of-state sale, rather than the deduction for clothing under seventy-five dollars, may be claimed. Where the sales price of burial clothing is seventy-five dollars or more, the deduction for funeral expenses, rather than the deduction for clothing under seventy-five dollars, may be claimed. Where the sales price of burial clothing is seventy-five dollars or more but burial occurs without this state, the deduction for an out-of-state sale, rather than the deduction for funeral expenses, may be claimed. For rules pertaining to the exemption of articles of clothing from the sales tax, see section 12-426-30.

(4) The following amounts are not includible in the gross receipts of a funeral establishment and are not deductible from gross receipts:

(A) charges billed to and paid by the United States, the State of Connecticut, or any political subdivision or agency of the State of Connecticut. Such payments shall be deemed to have been made for services rendered (as opposed to having been made for tangible personal property sold) by the funeral establishment.

(B) reimbursement received for accommodation cash advances made by the funeral establishment for items such as cemetery charges, newspaper notices, clergy fees, and flowers.

(C) charges for services rendered by the funeral establishment, where such charges are stated separately from the charges for tangible personal property sold by the funeral establishment.

(d) **Purchases by funeral establishment**

(1) The use tax applies to purchases from a retailer of tangible personal property which, at the time of purchase, was intended to be used in this state. The measure of the use tax is the sales price of the tangible personal property.

(2) A funeral establishment is the consumer of tangible personal property used in the operation of its business and not purchased for resale in the regular course of its business or used as an ingredient or component part of other tangible personal

property to be sold in the regular course of its business. Such property includes embalming fluids, cosmetics, chemicals and other items or instruments used in embalming or in preparation for burial or cremation. The use tax applies to purchases of such property.

(3) A funeral establishment is the seller of, and may purchase for resale, any tangible personal property which it resells, before use, in the regular course of its business. The purchase of such property by the funeral establishment is exempt from use tax, if the funeral establishment gives a resale certificate when it purchases such property. Such property includes caskets, vaults, burial clothing, flowers and monuments. The resale of such property by the funeral establishment may, unless an exemption applies, be subject to sales tax.

(Effective July 28, 1987)

Sec. 12-426-6. Circulating libraries

Circulating libraries are retailers of new or used books which they sell or rent to consumers in the regular course of business.

(Effective April 7, 1980)

Secs. 12-426-7—12-426-8.

Repealed, March 5, 2003.

Sec. 12-426-9.

Repealed, April 4, 1972.

Sec. 12-426-10.

Repealed, April 7, 1980.

Sec. 12-426-10a.

Repealed, December 26, 1985.

Sec. 12-426-11.

Repealed, April 7, 1980.

Sec. 12-426-11 (A).

Repealed, April 7, 1980.

Sec. 12-426-11b.

Repealed, April 23, 1991.

Sec. 12-426-12.

Repealed, April 6, 2000.

Sec. 12-426-13. Medicines by prescription

The gross receipts from the sale, and the storage, use or other consumption in this state of medicine by prescription only shall be exempt from the Sales and Use Tax.

“Medicine by prescription” means drugs and medicines commonly known and regarded as such by druggists or pharmacists, including biologics, antibiotics, hormones, and similar medicinal items prescribed for the specific treatment of disease by persons authorized by the laws of this state to issue prescriptions. Syringes and needles by prescription are also exempt.

This exemption provided for medicine by prescription shall also include those drugs and medicines falling within the above classifications such as insulin, adrenal

cortex, etc., which are of such a character that the need for same and the proper amount to be administered cannot be determined without an initial diagnosis and a prescribed dosage by a person duly authorized to issue prescriptions in this state and accordingly they may be purchased tax free even though the purchaser may not be in possession of the original prescription.

Vitamins are exempt only when purchased on prescription.

All refillable prescriptions are tax exempt on subsequent purchases.

Such drugs or medicines are also exempt from tax when purchased by a physician, dentist or veterinarian for use by him in his profession.

(Effective April 7, 1980)

Sec. 12-426-14. Oxygen, blood, artificial devices and aids, crutches and wheelchairs

The tax does not apply to sales, lease, use or storage of:

(1) Oxygen, blood or blood plasma for medical use and any equipment used in support of or to supply vital life functions, including oxygen supply equipment, kidney dialysis machines and any other such device used in necessary support of vital life functions.

(2) Crutches, walkers and wheelchairs for the direct use of handicapped persons and invalids.

Sales of specially constructed beds and sales of canes are taxable.

(3) Artificial hearing aids when designed to be worn on the person of the user, including their batteries and transistors.

(4) Artificial devices individually designed, constructed or altered for the use of a particular handicapped person so as to become a brace, support, supplement, correction or substitute for the bodily structure.

Sales of trusses, abdominal supports, uterine supports, maternity supports, obesity supports, kidney supports and postoperative supports and standardized or stock devices, braces or supports are exempt, provided such items are altered for the use of a particular handicapped person.

To assist retailers in determining the taxability of various types of braces, supports, and other appliances, there are listed herewith certain appliances, which are deemed to be taxable. The list is not all-inclusive, but the taxability of any items not appearing therein should be determined by reference to sub-division (4) above or by similarity to listed items.

Athletic Supporters, Suspensories, Elastic Goods, etc.

- | | |
|--------------|--------------------------------|
| Stockings | Wristlets |
| Thigh Pieces | Anklelets |
| Knee Caps | Arch Supporters |
| Elbow Caps | Bandages (Including Medicated) |
| Leggings | Thumb Protectors |
| Gloves | Eye Shades and Shields |

Exempt from tax are sales of rubber bags, hose and accessories worn by persons to permit the escape of waste from the body where normal elimination is impossible because of surgery.

(5) Sales of artificial limbs, artificial eyes and other equipment worn as a correction or substitute for any functioning portion of the body but not sales of items ordinarily used as cosmetics or beauty aids, adjuncts or supplements.

Sales of replacement parts for the items hereinabove exempted are not subject to tax.

Sales of artificial dentures by dental laboratories are not taxable and sales to dentists of artificial teeth, acrylic denture base material and gold for use in construction of artificial dentures are not taxable. Sales of acrylic, alloy, amalgam and porcelain filling material, gold used for filling material or inlays, and all other sales of dental materials, supplies and equipment to dentists are taxable.

Sales of eyeglasses, lenses, frames or other such ophthalmic materials are not taxable.

Where, however, such items as sunglasses, cleaning solutions for lenses, barometers, cameras, telescopes, field glasses, opera glasses, cotton, gauze, adhesive tapes, bandages and other dressings, antiseptics, rubbing alcohol, splint materials, plaster cast materials and similar items, are sold to purchasers for use or consumption, the same shall constitute taxable sales.

(Effective April 7, 1980)

Sec. 12-426-15.

Repealed, April 6, 2000.

Sec. 12-426-16.

Repealed, April 7, 1980.

Sec. 12-426-16a. Sales of or transfers of title to motor vehicles, snowmobiles, vessels and airplanes

(a) General Rule.

(1) Unless specifically exempted, any transfer of title to or sale of a motor vehicle, snowmobile or vessel is subject to the sales or use tax, whether or not such motor vehicle, snowmobile or vessel is or will be registered with the department of motor vehicles.

(2) Unless specifically exempted, any transfer of title to or sale of an airplane is subject to the sales or use tax.

(3) Each person applying for an original or transferral motor vehicle or snowmobile registration or vessel certificate of registration number or of registration decal shall furnish proof to the commissioner of motor vehicles that the sales or use tax has been paid.

(b) Sale or transfer of title exempt by virtue of the identity of the seller or transferor.

(1) Upon the purchase of or transfer of title to a motor vehicle, snowmobile, vessel or airplane from a person who is not a motor vehicle dealer, a retailer of snowmobiles, a retailer of vessels or a retailer of airplanes, respectively, the purchaser or transferee shall pay the use tax on the total purchase price, unless the seller or transferor is:

- (A) the United States or an agency thereof;
- (B) the American Red Cross;
- (C) a nonprofit charitable hospital;
- (D) a federally chartered credit union;

(E) the spouse, parent, child, brother or sister of the purchaser or transferee, provided a motor vehicle, snowmobile or vessel is involved, the tax was paid on the last taxable sale, transfer or use of such motor vehicle, snowmobile or vessel, and such motor vehicle, snowmobile or vessel was registered in the name of the seller or transferor for at least sixty days;

(F) a corporation or unincorporated entity, or a shareholder, owner, member or partner thereof, provided a motor vehicle or vessel is involved, the tax was paid on the last taxable sale, transfer or use of such motor vehicle or vessel, such purchase or transfer is in connection with the organization, reorganization, dissolution or partial liquidation of such corporation or unincorporated entity, the purchaser or transferee is such corporation or unincorporated entity, or a shareholder, owner, member or partner thereof, and any gain or loss to the seller or transferor is not recognized under the internal revenue code.

(c) Sale or transfer of title exempt by virtue of the identity of the purchaser or transferee.

(1) Upon the sale of or transfer of title to a motor vehicle, snowmobile, vessel or airplane, no tax shall be due, regardless of the identity of the seller or transferor, if the purchaser or transferee is:

(A) the United States or an agency thereof;

(B) the American Red Cross;

(C) a nonprofit charitable hospital;

(D) a federally chartered credit union;

(E) the State of Connecticut, its political subdivisions and its or their respective agencies;

(F) an organization issued an exemption permit under section 12-426-15;

(G) a corporation or unincorporated entity, or a shareholder, owner, member or partner thereof, provided a motor vehicle or vessel is involved, the tax was paid on the last taxable sale, transfer or use of such motor vehicle or vessel, such sale or transfer is in connection with the organization, reorganization, dissolution or partial liquidation of such corporation or unincorporated entity, the seller or transferor is such corporation or unincorporated entity, or a shareholder, owner, member or partner thereof, and any gain or loss to the seller or transferor is not recognized under the internal revenue code;

(H) an ambassador, consul, vice consul or United Nations delegate, provided such individual is a citizen of the foreign state which is being represented by such individual, such sale or transfer directly benefits such individual or such foreign state, and such individual has been issued a diplomatic exemption permit by the department of revenue services;

(I) a disabled veteran, provided such veteran is the recipient of a Veterans Administration grant toward the purchase of a specially equipped motor vehicle, a specially equipped motor vehicle is involved, and such exemption from the tax is only to the extent of the grant. (The amount of the sales price paid by such veteran from his own funds shall be subject to the tax.)

(d) Sale or transfer of title exempt by virtue of the nature of the motor vehicle sold or transferred.

(1) No sales or use tax shall be due on the sale, transfer or use of:

(A) a farm motor vehicle, provided such vehicle is used directly in an agricultural production process, such vehicle is not a passenger vehicle, such vehicle, if registered with the department of motor vehicles, has been issued a farm registration plate, and the purchaser or transferee issues to the seller or transferor a Machinery, Materials, Tools and Fuel Certificate under section 12-426-11b; and

(B) an ambulance or similar motor vehicle, provided such vehicle is used exclusively to transport medically incapacitated individuals, and such individuals are under no obligation to pay for such transportation.

(e) **Other exempt sales, transfers or uses.**

(1) No sales or use tax shall be due on the sale or transfer within the state of:

(A) a motor vehicle, provided such motor vehicle is sold for use exclusively without this state, and such motor vehicle is not registered with the department of motor vehicles;

(B) a vessel (including necessary machinery, equipment and modifications), provided such vessel is manufactured, and sold or transferred, by a Connecticut ship-builder, or is sold or transferred by a Connecticut retailer of vessels, such vessel is sold or transferred to a nonresident who will not use such vessel within this state and who sails or transports such vessel from this state immediately upon delivery; and

(C) an airplane (including necessary equipment and modifications), provided such airplane is manufactured, and sold or transferred, by a Connecticut manufacturer, and such airplane is sold or transferred to a licensed carrier in interstate or foreign commerce, a foreign state for use without this state, or a nonresident who will not use such airplane within this state and who flies or transports such airplane from this state immediately upon delivery.

(2) If, at the time of sale or transfer of a motor vehicle, snowmobile or vessel without this state, a purchaser or transferee is a resident of another state, but subsequently becomes a resident of this state, no use tax shall be due, provided such purchaser or transferee had registered such motor vehicle, snowmobile or vessel in another state for at least thirty days prior to the establishment of a Connecticut residence, and such purchaser or transferee did not purchase such motor vehicle, snowmobile or vessel for use within this state.

(3) The use tax due from a manufacturer of motor vehicles which registers a motor vehicle with the department of motor vehicles shall be measured by an amount equal to one-half of the net sales price of such motor vehicle to the franchised dealer of such manufacturer.

(4) The use tax due from a motor vehicle dealer which replaces a motor vehicle registered by it (and no longer in its possession or used by it) with another motor vehicle registered by it shall be measured by an amount equal to the difference between such dealer's cost for the replacement motor vehicle and the wholesale value of the replaced motor vehicle at the time of its replacement. (A standard reference book acceptable to the commissioner of revenue services shall be used to determine such wholesale value.)

(5) Sales or use tax at a rate of four percent shall be due on the sale or transfer of a motor vehicle by a motor vehicle dealer to a member of the armed forces who is stationed on full-time active duty in this state but who is a permanent resident of another state. "Full-time active duty" does not include service as a reservist or national guardsman. A current personal income tax return filed with such other state and an operator's license issued by such other state may be relied on by such dealer to establish the permanent residency of such member in such other state. An affidavit by such member's commanding officer may be relied on by such dealer to establish full-time active duty at a duty station in this state.

(f) Trade-ins.

(1) The sales or use tax due on the sale or transfer of a motor vehicle, snowmobile or vessel, where a motor vehicle, snowmobile or vessel, respectively, is traded in and a trade-in allowance given by a motor vehicle dealer, a retailer of snowmobiles or a retailer of vessels, respectively, shall be measured by the amount of the difference between the sales price and the trade-in allowance, provided such purchaser or transferee owns the motor vehicle, snowmobile or vessel for which a trade-in allowance is given.

(2) All facts concerning a trade-in allowance must be recited on Form H-13 or Form B-148, whichever is applicable.

(g) **Credit for tax paid to another jurisdiction.**

(1) If a motor vehicle, snowmobile, vessel or airplane is purchased or transferred without this state and such purchaser or transferee has paid a sales or use tax to another state or political subdivision thereof on such purchase or transfer, the amount of tax so paid shall be an offset against the use tax due to this state, provided such payment to such other state or political subdivision thereof preceded a notice of use tax assessment given by this state to such purchaser or transferee.

(h) **Proof of payment of tax.**

(1) Prima facie proof of payment of the sales or use tax to a motor vehicle dealer, a retailer of snowmobiles or a retailer of vessels which holds a seller's permit issued by the department of revenue services is evidenced by the presentation to the department of motor vehicles of Form H-13 or Form B-148, whichever is applicable, completed and signed by both the retailer and the purchaser.

(2) Upon the sale or transfer of a motor vehicle, a snowmobile or vessel by a person other than a motor vehicle dealer, a retailer of snowmobiles or a retailer of vessels, respectively, which holds a seller's permit issued by the department of revenue services, the purchaser or transferee shall—

(A) If such motor vehicle, snowmobile or vessel is to be registered with the department of motor vehicles, submit a properly completed Form H-13 or Form SU-F-229 (in lieu of filing Form O-P 186, the individual use tax return) and pay the tax, or

(B) If such motor vehicle, snowmobile or vessel is not to be registered with the department of motor vehicles, submit a properly completed Form O-P 186, the individual use tax return, forthwith to the department of revenue services and pay the tax.

(3) Upon the sale or transfer of an airplane by a person other than a retailer of airplanes which holds a seller's permit issued by the department of revenue services, the purchaser or transferee shall submit a properly completed Form O-P 186, the individual use tax return, forthwith to the department of revenue services and pay the tax.

(4) If the purchaser or transferee to whom subdivision (3) or paragraph (B) of subdivision (2) of this subsection applies holds a seller's permit issued by the department of revenue services, such purchase or transfer and any tax due thereon shall be reported and paid at the time the return due from such purchaser or transferee covering the time of such purchase or transfer is filed.

(i) **Affidavits.**

(1) A purchaser and a retailer to whom paragraph (A) of subdivision (1) of subsection (e) pertains shall complete for submission to the department of revenue services affidavit SUT-16a-1 or the tax shall be due.

(2) A purchaser and a shipbuilder or retailer of vessels to whom paragraph (B) of subdivision (1) of subsection (e) pertains shall complete for submission to the department of revenue services affidavit SUT-16a-2 or the tax shall be due.

(3) A purchaser and an airplane manufacturer to whom paragraph (C) of subdivision (1) of subsection (e) pertains shall complete for submission to the department of revenue services affidavit SUT-16a-3 or the tax shall be due.

(4) A retailer issued a seller's permit by the department of revenue services who sells or transfers a vehicle, a vessel or an airplane without this state shall, along

with the purchaser, complete for submission to the department of revenue services affidavit SUT-16a-4, SUT-16a-5 or SUT- 16a-6, respectively, or the tax shall be due.

(5) A purchaser and a retailer to whom subdivision (5) of subsection (e) pertains shall complete for submission to the department of revenue services affidavit SUT-16a-7 or the tax at the rate of seven and one-half percent shall be due.

(Effective December 19, 1984)

(see Forms on following pages)

AFFIDAVIT SUT-16a-1
STATE OF CONNECTICUT
DEPARTMENT OF REVENUE SERVICES

EXEMPTION CERTIFICATE
MOTOR VEHICLE PURCHASED WITHIN THE STATE OF CONNECTICUT
FOR USE EXCLUSIVELY WITHOUT THE STATE OF CONNECTICUT

This form shall be filed with the sales and use tax return of the retailer for the period during which the exemption is claimed. The retailer shall retain a copy with its records.

RETAILER INFORMATION

NAME OF RETAILER TAX REGISTRATION NO.
ADDRESS TELEPHONE NO. DATE OF SALE

PURCHASER INFORMATION

NAME OF PURCHASER
IF CORPORATION: (Principal place of business) (Home address of president)
IF INDIVIDUAL: (Name and address of employer) (Home address of individual)
(Driver's License No.) (Issued by State of) (Expiration Date)

MOTOR VEHICLE IDENTIFICATION DATA

MAKE OF VEHICLE MODEL
YEAR COLOR VEHICLE IDENTIFICATION NO.
COMPUTATION OF PRICE TRADE-IN DATA
GROSS SALES PRICE (MAKE MODEL
TRADE-IN ALLOWANCE (YEAR VEHICLE IDENTIFICATION NO.
NET SALES PRICE (STATE OF REGISTRATION AND NO.

AFFIDAVIT OF PURCHASER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that the above-described motor vehicle was purchased from the above-mentioned retailer by the above-mentioned purchaser for use exclusively without the State of Connecticut. The motor vehicle will not be presented for registration with the Connecticut Department of Motor Vehicles. I am a resident of the State of . The motor vehicle was purchased for use principally in the State of . The motor vehicle was not purchased for use in the State of Connecticut. The motor vehicle will be registered for highway use with the State of .

FOR THE PURCHASER: (Signature) (Title)

Sworn to and subscribed before me this day of , 19 .

Notary Public

My commission expires the day of , 19 .

AFFIDAVIT OF RETAILER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that I have examined this certificate, and, to the best of my knowledge and belief, the information contained herein is true, accurate and complete.

FOR THE RETAILER: (Signature) (Title)

Sworn to and subscribed before me this day of , 19 .

Notary Public

My commission expires the day of , 19 .

NOTES

This certificate shall not be valid unless wholly and correctly completed and acknowledged. Any item which is inapplicable shall be noted as such by the purchaser. Any misrepresentation will result in the imposition of use tax liability and statutory interest and penalties upon the purchaser or sales tax liability and statutory interest and penalties upon the retailer. Information contained herein will be furnished to other states and is subject to verification by the State of Connecticut. If the purchaser is a corporation, its president shall sign the Affidavit of Purchaser. FALSE STATEMENT IS A CLASS A MISDEMEANOR PUNISHABLE BY A FINE NOT IN EXCESS OF ONE THOUSAND DOLLARS OR IMPRISONMENT NOT IN EXCESS OF ONE YEAR, OR BOTH.

AFFIDAVIT SUT-16a-3

STATE OF CONNECTICUT
DEPARTMENT OF REVENUE SERVICES

EXEMPTION CERTIFICATE
AIRPLANE MANUFACTURED BY AND PURCHASED FROM
A CONNECTICUT AIRPLANE MANUFACTURER WITHIN THE STATE OF CONNECTICUT
FOR USE EXCLUSIVELY WITHOUT THE STATE OF CONNECTICUT

This form shall be filed with the sales and use tax return of the manufacturer for the period during which the exemption is claimed. The manufacturer shall retain a copy with its records.

MANUFACTURER INFORMATION

NAME OF MANUFACTURER _____ TAX REGISTRATION NO. _____

ADDRESS _____ TELEPHONE NO. _____ DATE OF SALE _____

PURCHASER INFORMATION

NAME OF PURCHASER _____

IF CORPORATION: _____
(Principal place of business) (Home address of president)

IF INDIVIDUAL: _____
(Name and address of employer) (Home address of individual)

(Driver's License No.) (Issued by State of) (Expiration Date)

AIRPLANE IDENTIFICATION DATA

MAKE OF AIRPLANE _____ MODEL _____ YEAR _____

MANUFACTURER SERIAL NO. _____ F.A.A. REGISTRATION NO. _____

SALES PRICE (NO TRADE-IN ALLOWANCE CAN BE DEDUCTED FROM THE SALES PRICE) _____

AFFIDAVIT OF PURCHASER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that the above-captioned airplane was manufactured by and purchased from the above-mentioned airplane manufacturer by the above-mentioned purchaser for use exclusively without the State of Connecticut. I am not a resident of the State of Connecticut. I am a resident of the State of _____. The airplane was purchased for use principally in the State of _____. The airplane was not purchased for use in the State of Connecticut.

FOR THE PURCHASER: _____
(Signature) (Title)

Sworn to and subscribed before me this ____ day of _____, 19 ____.

Notary Public

My commission expires the ____ day of _____, 19 ____.

AFFIDAVIT OF AIRPLANE MANUFACTURER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that I have examined this certificate and, to the best of my knowledge and belief, the information contained herein is true, accurate and complete.

FOR THE AIRPLANE MANUFACTURER: _____
(Signature) (Title)

Sworn to and subscribed before me this ____ day of _____, 19 ____.

Notary Public

My commission expires the ____ day of _____, 19 ____.

NOTES

This certificate shall not be valid unless wholly and correctly completed and acknowledged. Any item which is inapplicable shall be noted as such by the purchaser. Any misrepresentation will result in the imposition of use tax liability and statutory interest and penalties upon the purchaser or sales tax liability and statutory interest and penalties upon the airplane manufacturer. Information contained herein will be furnished to other states and is subject to verification by the State of Connecticut. If the purchaser is a corporation, its president shall sign the Affidavit of Purchaser. FALSE STATEMENT IS A CLASS A MISDEMEANOR PUNISHABLE BY A FINE NOT IN EXCESS OF ONE THOUSAND DOLLARS OR IMPRISONMENT NOT IN EXCESS OF ONE YEAR, OR BOTH.

AFFIDAVIT SUT-16a-4

STATE OF CONNECTICUT
DEPARTMENT OF REVENUE SERVICES

EXEMPTION CERTIFICATE

VEHICLE PURCHASED OUT-OF-STATE FROM CONNECTICUT RETAILER

This form shall be filed with the sales and use tax return of the retailer for the period during which the exemption is claimed. The retailer shall retain a copy with its records.

RETAILER INFORMATION

NAME OF RETAILER _____ TAX REGISTRATION NO. _____
ADDRESS _____ TELEPHONE NO. _____ DATE OF SALE _____

PURCHASER INFORMATION

NAME OF PURCHASER _____

IF CORPORATION: _____
(Principal place of business) (Home address of president)

IF INDIVIDUAL: _____
(Name and address of employer) (Home address of individual)

(Driver's License No.) (Issued by State of) (Expiration Date)

VEHICLE IDENTIFICATION DATA

MAKE OF VEHICLE _____ MODEL _____

YEAR _____ COLOR _____ VEHICLE IDENTIFICATION NO. _____

COMPUTATION OF PRICE TRADE-IN DATA

GROSS SALES PRICE _____ (MAKE _____ MODEL _____

TRADE-IN ALLOWANCE _____) (YEAR _____ VEHICLE IDENTIFICATION NO. _____

NET SALES PRICE _____) (STATE OF REGISTRATION AND NO. _____

AFFIDAVIT OF PURCHASER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that the above-described vehicle was purchased without the State of Connecticut from the above-mentioned retailer by the above-mentioned purchaser. The vehicle was sold to the purchaser on _____ at _____, having been delivered there by _____, who was not an agent of the purchaser, and having been accepted there by _____, an agent of the purchaser. I am a resident of the State of _____. The vehicle was purchased for use principally in the State of _____. The vehicle was not purchased for use in the State of Connecticut. The vehicle will be registered for highway use with the State of _____.

FOR THE PURCHASER: _____
(Signature) (Title)

Sworn to and subscribed before me this ____ day of _____, 19 ____.

Notary Public

My commission expires the ____ day of _____, 19 ____.

AFFIDAVIT OF RETAILER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that I have examined this certificate and, to the best of my knowledge and belief, the information contained herein is true, accurate and complete.

FOR THE RETAILER: _____
(Signature) (Title)

Sworn to and subscribed before me this ____ day of _____, 19 ____.

Notary Public

My commission expires the ____ day of _____, 19 ____.

NOTES

This certificate shall not be valid unless wholly and correctly completed and acknowledged. Any item which is inapplicable shall be noted as such by the purchaser. Any misrepresentation will result in the imposition of use tax liability and statutory interest and penalties upon the purchaser or sales tax liability and statutory interest and penalties upon the retailer. Information contained herein will be furnished to other states and is subject to verification by the State of Connecticut. If the purchaser is a corporation, its president shall sign the Affidavit of Purchaser. FALSE STATEMENT IS A CLASS A MISDEMEANOR PUNISHABLE BY A FINE NOT IN EXCESS OF ONE THOUSAND DOLLARS OR IMPRISONMENT NOT IN EXCESS OF ONE YEAR, OR BOTH.

AFFIDAVIT SUT-16a-5
STATE OF CONNECTICUT
DEPARTMENT OF REVENUE SERVICES

EXEMPTION CERTIFICATE
VESSEL PURCHASED OUT-OF-STATE FROM CONNECTICUT RETAILER

This form shall be filed with the sales and use tax return of the retailer for the period during which the exemption is claimed. The retailer shall retain a copy with its records.

RETAILER INFORMATION

NAME OF RETAILER TAX REGISTRATION NO.
ADDRESS TELEPHONE NO. DATE OF SALE

PURCHASER INFORMATION

NAME OF PURCHASER
IF CORPORATION: (Principal place of business) (Home address of president)
IF INDIVIDUAL: (Name and address of employer) (Home address of individual)
(Driver's License No.) (Issued by State of) (Expiration Date)

VESSEL IDENTIFICATION DATA

MAKE OF VESSEL MODEL YEAR
TYPE LENGTH NAME OF VESSEL
STATE OF REGISTRATION AND NO.
U.S.C.G. VESSEL DOCUMENTATION NO. WHERE DOCUMENTED

COMPUTATION OF PRICE

TRADE-IN DATA

GROSS SALES PRICE (MAKE MODEL
TRADE-IN ALLOWANCE (TYPE LENGTH YEAR
NET SALES PRICE (STATE OF REGISTRATION AND NO.
U.S.C.G. VESSEL DOCUMENTATION NO.

AFFIDAVIT OF PURCHASER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that the above-described vessel was purchased without the State of Connecticut from the above-mentioned retailer by the above-mentioned purchaser. The vessel was sold to the purchaser on at , having been delivered there by , who was not an agent of the purchaser, and having been accepted there by , an agent of the purchaser. I am a resident of the State of . The vessel was purchased for use principally in the State of . The vessel was not purchased for use in the State of Connecticut. The vessel will be registered with the State of .

FOR THE PURCHASER: (Signature) (Title)

Sworn to and subscribed before me this day of , 19 .

Notary Public

My commission expires the day of , 19 .

AFFIDAVIT OF RETAILER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that I have examined this certificate and, to the best of my knowledge and belief, the information contained herein is true, accurate and complete.

FOR THE RETAILER: (Signature) (Title)

Sworn to and subscribed before me this day of , 19 .

Notary Public

My commission expires the day of , 19 .

NOTES

This certificate shall not be valid unless wholly and correctly completed and acknowledged. Any item which is inapplicable shall be noted as such by the purchaser. Any misrepresentation will result in the imposition of use tax liability and statutory interest and penalties upon the purchaser or sales tax liability and statutory interest and penalties upon the retailer. Information contained herein will be furnished to other states and is subject to verification by the State of Connecticut. If the purchaser is a corporation, its president shall sign the Affidavit of Purchaser. FALSE STATEMENT IS A CLASS A MISDEMEANOR PUNISHABLE BY A FINE NOT IN EXCESS OF ONE THOUSAND DOLLARS OR IMPRISONMENT NOT IN EXCESS OF ONE YEAR, OR BOTH.

AFFIDAVIT SUT-16a-6
STATE OF CONNECTICUT
DEPARTMENT OF REVENUE SERVICES
EXEMPTION CERTIFICATE

AIRPLANE PURCHASED OUT-OF-STATE FROM CONNECTICUT RETAILER

This form shall be filed with the sales and use tax return of the retailer for the period during which the exemption is claimed. The retailer shall retain a copy with its records.

RETAILER INFORMATION

NAME OF RETAILER _____ TAX REGISTRATION NO. _____
ADDRESS _____ TELEPHONE NO. _____ DATE OF SALE _____

PURCHASER INFORMATION

NAME OF PURCHASER _____
IF CORPORATION: _____
(Principal place of business) (Home address of president)
IF INDIVIDUAL: _____
(Name and address of employer) (Home address of individual)

(Driver's License No.) (Issued by State of) (Expiration Date)

AIRPLANE IDENTIFICATION DATA

MAKE OF AIRPLANE _____ MODEL _____ YEAR _____
MANUFACTURER SERIAL NO. _____ F.A.A. REGISTRATION NO. _____
SALES PRICE (NO TRADE-IN ALLOWANCE CAN BE DEDUCTED FROM THE SALES PRICE) _____

AFFIDAVIT OF PURCHASER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that the above-described airplane was purchased without the State of Connecticut from the above-mentioned retailer by the above-mentioned purchaser. The airplane was sold to the purchaser on _____ at _____, having been delivered there by _____, who was not an agent of the purchaser, and having been accepted there by _____, an agent of the purchaser. I am a resident of the State of _____. The airplane was purchased for use principally in the State of _____. The airplane was not purchased for use in the State of Connecticut.

FOR THE PURCHASER: _____
(Signature) (Title)

Sworn to and subscribed before me this ____ day of _____, 19____.

Notary Public

My commission expires the ____ day of _____, 19____.

AFFIDAVIT OF RETAILER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that I have examined this certificate and, to the best of my knowledge and belief, the information contained herein is true, accurate and complete.

FOR THE RETAILER: _____
(Signature) (Title)

Sworn to and subscribed before me this ____ day of _____, 19____.

Notary Public

My commission expires the ____ day of _____, 19____.

NOTES

This certificate shall not be valid unless wholly and correctly completed and acknowledged. Any item which is inapplicable shall be noted as such by the purchaser. Any misrepresentation will result in the imposition of use tax liability and statutory interest and penalties upon the purchaser or sales tax liability and statutory interest and penalties upon the retailer. Information contained herein will be furnished to other states and is subject to verification by the State of Connecticut. If the purchaser is a corporation, its president shall sign the Affidavit of Purchaser. FALSE STATEMENT IS A CLASS A MISDEMEANOR PUNISHABLE BY A FINE NOT IN EXCESS OF ONE THOUSAND DOLLARS OR IMPRISONMENT NOT IN EXCESS OF ONE YEAR, OR BOTH.

AFFIDAVIT SUT-16a-7
STATE OF CONNECTICUT
DEPARTMENT OF REVENUE SERVICES
EXEMPTION CERTIFICATE
VEHICLE PURCHASED BY

NONRESIDENT MEMBER OF THE ARMED FORCES STATIONED IN THIS STATE

This form shall be filed with the sales and use tax return of the retailer for the period during which the exemption is claimed. The retailer shall retain a copy with its records.

RETAILER INFORMATION

NAME OF RETAILER _____ TAX REGISTRATION NO. _____
ADDRESS _____ TELEPHONE NO. _____ DATE OF SALE _____

MEMBER OF THE ARMED FORCES INFORMATION

NAME OF MEMBER _____ SERIAL NO. _____
OF ARMED FORCES _____
CURRENT ADDRESS _____
BRANCH OF SERVICE _____ UNIT _____
RANK _____ NAME OF COMMANDING OFFICER _____
LOCATION OF DUTY STATION _____ STATE OF PERMANENT RESIDENCY _____

(Driver's License No.) _____ (Issued by State of) _____ (Expiration Date) _____

VEHICLE INFORMATION

MAKE OF VEHICLE _____ MODEL _____ YEAR _____
COLOR _____ VEHICLE IDENTIFICATION NO. _____

COMPUTATION OF PRICE

TRADE-IN DATA

GROSS SALES PRICE _____) (MAKE _____ MODEL _____
TRADE-IN ALLOWANCE _____) (YEAR _____ VEHICLE IDENTIFICATION NO. _____
NET SALES PRICE _____) (STATE OF REGISTRATION AND NO. _____

AFFIDAVIT OF MEMBER OF THE ARMED FORCES

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that the above-described vehicle was purchased from the above-mentioned retailer by me. I am on full-time active duty in the Armed Forces of the United States. I am a permanent resident of a state other than Connecticut. I am assigned to a duty station located in the State of Connecticut. The information which I have furnished to the above-mentioned retailer and which is attached hereto is, to the best of my knowledge and belief, true, accurate and complete.

Signature of Member of the Armed Forces

Subscribed and sworn to before me this ____ day of _____, 19____.

Notary Public

My commission expires the ____ day of _____, 19____.

AFFIDAVIT OF RETAILER

I HEREBY CERTIFY UNDER PENALTY OF FALSE STATEMENT that I have examined this certificate and the attachments hereto and to the best of my knowledge and belief, the information contained herein is true, accurate and complete.

FOR THE RETAILER:

(Signature) _____

(Title) _____

Subscribed and sworn to before me this ____ day of _____, 19____.

Notary Public

My commission expires the ____ day of _____, 19____.

NOTES

This certificate shall not be valid unless wholly and correctly completed and acknowledged. Any item which is inapplicable shall be noted as such by the purchaser. Any misrepresentation will result in the imposition of use tax liability and statutory interest and penalties upon the member of the Armed Forces or sales tax liability and statutory interest and penalties upon the retailer. A member of the Armed Forces who purchases a vehicle from an out-of-state retailer must complete all parts of this certificate other than the Affidavit of Retailer and must submit this certificate to the department of motor vehicles if the vehicle is to be registered in this state. AN AFFIDAVIT BY THE COMMANDING OFFICER OF THE MEMBER OF THE ARMED FORCES STATING THAT THE MEMBER OF THE ARMED FORCES IS ON FULL-TIME ACTIVE DUTY AT A DUTY STATION IN THIS STATE MUST BE ATTACHED TO THIS CERTIFICATE. False statement is a Class A misdemeanor punishable by a fine not in excess of one thousand dollars or imprisonment not in excess of one year, or both.

Sec. 12-426-17. Casual or isolated sales

(a) Since the tax is predicated upon a sale made by a person engaged in the business of making sales at retail, certain sales which are not sufficient in number, scope and character to constitute an activity requiring a seller's permit are described as casual or isolated sales. Such sales are exempt from the tax except, however, as they involve boats, airplanes, snowmobiles and motor vehicles as hereinafter illustrated.

(b) Casual sales are: (1) Infrequent sales of a nonrecurring nature made by a person not engaged in the business of selling tangible personal property; (2) Sales of articles of tangible personal property acquired for use or consumption by a seller and not sold in the regular course of business engaged in by such seller.

(c) Examples of exempt sales: (1) A grocer selling his cash register or an insurance company selling a typewriter; (2) Sale of a business in its entirety by the owner; (3) Sales by executors, administrators, trustees and other fiduciaries, except when they continue the operation of the business as sellers; (4) Legal sales, executions, etc. under court order by a proper officer; (5) Sales of used machinery, fixtures, equipment and like items by an owner who is engaged in a business or occupation, such as manufacturing or farming, but who is not engaged in the selling of such items as a business; (6) Sales by nonprofit organizations at bazaars, fairs, picnics or similar events to the extent of two such events of a day's duration, held during any calendar year; provided, where sales are made at such events by an organization holding a sales tax permit, or otherwise required to hold such a permit because its selling events are in excess of the number permitted, such sales shall constitute sales in the regular course of business and are not exempted as casual sale, as defined above, is deemed to be the consumer of that property which it purchases for resale, and as such will pay the tax on purchases nor otherwise exempt; (7) A transfer of a motor vehicle, upon which the transferor has paid the tax, in connection with the organization, reorganization, dissolution or partial liquidation of a business entity where no gain or loss is recognized for income tax purposes.

(d) Examples of nonexempt sales: (1) Retail sales by an auctioneer under any of the examples of exempt sales given above; (2) Sales of motor vehicles (see subsection (c) (7) above), boats, snowmobiles or airplanes by any person other than the spouse, mother, father, brother, sister or child of the purchaser; (3) Retail sales by manufacturers, wholesalers, processors and jobbers even though such sales are infrequent and only comprise an insignificant fraction of their total business; (4) Sales which constitute an integral part of a business, such as the sale of repossessed fixtures or other property by a finance company, even though the sale of tangible personal property is not the primary function of such business.

(Effective April 4, 1972)

Sec. 12-426-18. Contractors and subcontractors

(a) **Definitions.** For purposes of this section, unless the context otherwise requires:

(1) "Contractor" means both contractors and subcontractors and, among others, building, electrical, plumbing, heating, painting, decorating, paper hanging, air conditioning, ventilating, insulating, sheet metal, steel, masonry, carpentry, plastering, cement, road, bridge, landscape and roofing contractors or subcontractors.

(2) "Construction contract" means a contract for the repair, alteration, improvement, remodeling or construction of real property.

(3) "Exempt entity" means any person that is entitled to make purchases of tangible personal property exempt from sales and use taxes under subsection (1),

(2), (5), (8), (84), (90), (92), (93) or (95) of section 12-412 of the General Statutes, or under section 7-273mm, 16-344 or 32-23h of the General Statutes.

(b) **Taxability of sales to or by construction contractors.** A contractor shall pay the tax as a consumer on the purchase or lease of all materials, supplies or equipment used by the contractor in fulfilling either a lump sum contract, a cost-plus contract, a time and material contract with an upset or guaranteed price which may not be exceeded, or any other kind of construction contract except:

(1) where the contractor contracts to sell materials or supplies at an agreed price and to render service in connection therewith, either for an additional agreed price or on the basis of time consumed, or

(2) where such contractor is engaged as a permittee in the business of selling such materials or supplies at retail.

In the case of either (1) or (2), the contractor is a retailer and shall give the person selling the contractor such materials or supplies a resale certificate bearing the contractor's permit number and collect the tax from the person to whom the contractor sells the same. Whenever such use is made of a resale certificate by a contractor, it shall be limited to the exceptions included in (1) or (2) above and the contractor shall be held strictly and solely accountable for the collection of the sales tax involved and the payment to the state of all taxes due thereon based upon the contractor's gross receipts from such retail sales and such contractor shall further be held strictly accountable for the payment of the use tax to the state if the contractor makes any use of such property other than retention, demonstration or display while holding it for resale or if the contractor makes purchases subject to the use tax.

(c) **Construction contracts entered into with exempt entities.** (1) Where a contractor enters into a construction contract with an exempt entity, the contractor may purchase such materials and supplies as are to be installed or placed in projects being performed under these contracts and will remain in such projects after their completion, including tangible personal property that remains tangible personal property after its installation or placement, without payment of the tax and shall not charge any such exempt organization or agency any sales or use tax thereon. The contractor shall, in the case of such exempt purchases, furnish the contractor's suppliers for each project with a completed certificate, the form of which shall be prescribed by the commissioner.

(2) If the contractor is unable to designate the exact amount of materials or supplies to be covered by such exempt purchase certificate, the contractor shall estimate the amount of such purchases and shall be held strictly accountable for any use tax due the state thereon in the event of any use other than the permanent installation or placement of such purchases in the exempt project designated.

(3) The contractor shall maintain adequate records to support the contractor's use of all such exempt purchase certificates and to show the disposition of all materials or supplies so purchased.

(4) Where a contractor uses materials or supplies by installing or placing them permanently in a project for any exempt entity or under the provisions of subdivisions (1) or (2) of subsection (b) of this section and the contractor has already paid a tax on such materials or supplies at the time of purchase, the contractor may deduct the purchase price of the same on the contractor's next return as an adjustment.

(d) **Articles fabricated by contractor.** A contractor may, in certain instances, itself fabricate part or all of the articles that the contractor uses in construction work. For example, a sheet metal contractor may partly or wholly manufacture roofing, cornices, gutter pipe, furnace pipe, furnaces, ventilation or air conditioning

ducts or other such items from sheet metal that the contractor purchases, and use these articles, pursuant to a contract for the construction or improvement of real property. In this instance, the sale of sheet metal to such contractor constitutes a sale at retail within the meaning of the law and the contractor shall pay the tax as a consumer when the contractor buys the same. This is so whether the articles so fabricated are used in the alteration, repair or reconstruction of an old building or are used in new construction work.

(e) **Persons who sell complete units of standard equipment at retail and install same.** This section is not applicable to sales contracts whereby a person, whether the person is a contractor, subcontractor or otherwise, acts as a retailer selling tangible personal property in the same manner as other retailers and is required to install a complete unit of standard equipment, requiring no further fabrication but simply installation, assembling, applying or connecting services. In such instances the contract will not be regarded as one for improving, altering or repairing real property. For example, the retailer of an awning or blind agrees not only to sell it but to hang it; an electrical shop sells electrical fixtures and agrees to install them; a retailer sells an electric washing machine and contracts to install the same; a dealer sells cabinets and agrees to install them. A person performing such contracts is primarily a retailer of tangible personal property and should segregate the full retail selling price of such property from the charge for installation, as the tax applies only to the retail price of the property.

(f) **Equipment, tools and supplies.** Contractors are the consumers of equipment, including rolling or movable equipment such as trucks, tractors, scaffolding, etc., tools and supplies such as pipe cutters, trowels, wrenches, oxygen, acetylene, gasoline, acid and thread-cutting oil, which they use in their business, and the tax applies to the sales or leases of such equipment, tools and supplies to contractors.

(g) **Contractor performing taxable services.** Where the contractor performs services taxable under section 12-407(2) of the General Statutes, the contractor is making a sale at retail, must register with the Commissioner of Revenue Services and must collect the tax on that portion of the charge representing the taxable services. For this purpose the charge for said service should be segregated on the invoice.

(Effective April 7, 1980; amended April 7, 1999)

Sec. 12-426-19. Textile finishers and dyers

(a) The tax does not apply to sales of dyestuffs, finishing materials and the following chemicals to textile printers, dyers, finishers, materials and bleachers. The following chemicals are a necessary component in textile printing, dyeing, finishing, mercerizing and bleaching to such an extent that they are deemed to become a component part of the fabric: Dyes (including pigments used for coloring), printing gums, sodium hydroxide, sodium hyperchlorite, hydrogen peroxide, sodium hydrosulphite, glycerine, acetic acid, sodium bichromate, sodium bisulphite, hydrochloric acid, potassium carbonate, catalite, diastafor, textile finishing materials. Acetic acid and hydrochloric acid are also used as souring agents and when so used, they will not be considered as having been purchased for resale. Sodium hydrosulphite is sometimes used for stripping, i.e., the removal of color for reprocessing purposes. When so used, it will not be considered as having been purchased for resale.

(b) When a textile printer, dyer, finisher, mercerized or bleacher has purchased these chemicals under resale certificates, he will be required to pay the sales or use

tax on the cost of the total amount purchased unless he keeps accurate records showing the respective amounts used in each process.

(c) Other chemicals than those listed which are used in a manner comparable to those which are listed may also be regarded as being purchased by such textile printer, dyer, finisher, materials and bleacher for the purpose of resale. All chemicals, however, which are not listed above and which are not used in a manner comparable to those which are listed, shall be regarded as being purchased by textile printers, dyers, finishers, materials and bleachers for their own consumption rather than for the purpose of resale. Included among the products which are commonly used by textile printers, dyers, finishers, materials and bleachers, and which should not be purchased for resale since they are for consumption or use, and the sales or use tax should be paid on all such purchases, are the following: Soap, deceresol, tergitol, alkinol, sodium sulphate, nekal, sodium chloride, sulphuric acid, alcohol, peregal, carbon tetrachloride, turpentine.

Sec. 12-426-20. Printing and related industries

(a) Charges for printing, imprinting, engraving, multigraphing, mimeographing and similar operations for consumers are subject to tax whether or not the paper and other materials are furnished by the consumer.

Charges, however, for services rendered in addressing, folding, enclosing or sealing the finished product are exempt and may be deducted if separately stated; also where the finished product involves the use of United States postal cards or stamped envelopes purchased by the printer, the tax does not apply to the postage involved if separately stated. Other charges for labor or services rendered in producing the finished product are not exempt even if separately stated.

(b) Printers are the consumers of photoengravings, electrotypes, lithographic negatives or plates, and similar items purchased for their general use in the preparation of printed matter.

Where, however, the printer is required by his customer to furnish and use such property in the production of the finished product, its purchase by the printer is deemed to be for resale and may be made on resale certificate, whether the same shall be held for future delivery or otherwise, provided a charge for the same shall be included in the bill rendered to his customer. Property becoming an ingredient or component part of printed matter to be sold, such as paper, ink, book covers or bindings, thread, etc., may also be purchased by use of a resale certificate.

(c) No tax applies to charges made to printers by a typographer or other person for the use of type metal, forms, proofs, and similar items if title to the property is retained by the typographer or other person. In such case, the typographer or other person is the consumer of the property used to make up such items and he shall pay the tax upon his purchase of the same.

(d) No tax applies to sales of any printed material which has been manufactured in Connecticut to the special order of a purchaser and which, within thirty days following delivery to such purchaser, is to be delivered for use outside of Connecticut, provided such purchaser presents a written certification to the printer in the following form:

PRINTED MATERIAL CERTIFICATE

We hereby certify that, of the printed material purchased to our special order herewith, percent will be delivered for use outside Connecticut within thirty days and.... percent will be used in Connecticut and subject to the sales tax.

We further certify that to the extent of a variance in the taxable percentage due to additional use in Connecticut or to retention beyond thirty days in this state, we, the purchaser, shall declare such excess purchases as subject to Connecticut use tax and report and pay the tax on same directly to the State of Connecticut.

.....
 Name of Company
 By.....
 Title

 Date

 Permit Number (If Registered)

(Effective December 27, 1977)

Sec. 12-426-21. Taxes

(a) The Sales and Use Tax does not apply to the Connecticut Cabaret Tax imposed on all amounts paid for refreshment, service or merchandise, at any roof garden, cabaret or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance as defined in Conn. Gen. Stat. § 12-525. The cabaret tax is imposed upon the retail sales price and is therefore not a part of that price.

Illustration:

Food and Beverages.....	\$10.00
Cabaret Tax.....	1.00
Total	\$11.00

The Sales and Use Tax applies only to the retail price of \$10.00 and not to the \$11.00.

(b) The tax does apply to all taxes imposed on a basis other than the proceeds from retail sales. Examples of the above are manufacturer’s or distributor’s excise taxes which become part of the retail sales price the same as any other item of cost such as labor, overhead, cost of materials, etc. Examples of such excise taxes on which the Sales and Use Tax is collected are federal taxes on automobiles, tires, cameras, firearms, tobacco, liquors, sporting goods, radios, etc., and Connecticut state taxes on alcoholic beverages.

Illustration:

1 Automotive Tire	\$20.00
Federal Excise Tax	1.96
Total	\$21.96

The Sales and Use Tax in such case applies to the total retail sales price of \$21.96.
 (Effective April 7, 1980)

Sec. 12-426-22. Collection of use tax by out-of-state retailers

(a) Out-of-state retailers engaged in business in this state and making out-of-state sales or leases of tangible personal property for use, storage and other consumption in this state or rendering services in this state which are subject to the tax must register with the Commissioner of Revenue Services and must collect the tax due thereon from the purchaser, or in lieu of such tax obtain a resale certificate therefor signed by the purchaser and bearing his Seller’s Permit Number. Such retailers shall

pay the taxes so collected in the manner and form as other retailers licensed to sell tangible personal property as retailers in this state.

“Engaged in business in the state” means selling or leasing in this state, or any activity in this state in connection with selling or leasing in this state, tangible personal property for use, storage, or consumption within the state. Selling in this state shall include the rendering of taxable services in this state. The term “engaged in business in this state” shall include but not be limited to the following acts or methods of transacting business:

(1) Maintaining, occupying or using, permanently or temporarily, directly or indirectly, through a subsidiary or agent, by whatever name called, of any office, place of distribution, sales or sample room or place, warehouse or storage point or other place of business or (2) having any representative, agent, salesman, canvasser or solicitor operating in this state for the purpose of selling or leasing, delivering or taking orders for tangible personal property or services.

(b) Out-of-state retailers who are not engaged in business in this state but who make out-of-state sales or leases of tangible personal property for use, storage or other consumption in this state or render services in this state which are subject to the tax may also register with the Commissioner of Revenue Services for authorization to collect tax due thereon from the purchaser, or in lieu of such tax obtain a resale certificate therefor signed by the purchaser and bearing his Seller’s Permit Number. Such retailers shall pay the taxes so collected in the manner and form as other retailers licensed to sell tangible personal property as retailers in this state.

In the case of all such sales the out-of-state retailer shall furnish the purchaser with a receipt showing the name, permit number and place of business of the retailer, the name and address of the purchaser, the date of the sale and the type of the article purchased together with the sales price and the amount of tax collected thereon. A sales invoice evidencing such information will constitute a receipt.

(c) Every out-of-state retailer selling or leasing tangible personal property for use, storage, or other consumption in this state or rendering services in this state shall furnish to the Commissioner of Revenue Services the names and addresses of all its agents, representatives, salesmen or solicitors engaged in business in this state. All salesmen, representatives, peddlers or canvassers may, in the discretion of the Commissioner of Revenue Services, be considered as retailers and jointly responsible with their principals, employers or supervisors for the collection and payment of taxes.

(Effective April 7, 1980)

Sec. 12-426-23.

Repealed, August 22, 2000.

See § 12-2-12.

Sec. 12-426-24. Annual tax returns for certain sellers

Every seller whose total liability for sales and use taxes for the twelve-month period ended on the preceding September thirtieth was less than one thousand dollars may, subject to the provisions of this section, be allowed to file tax returns and to pay the taxes reported thereon on an annual basis. The annual tax return shall be filed, and the sales and use taxes reported thereon shall be paid, on or before the last day of the month next succeeding the end of the seller’s tax year. “Tax year” means the calendar year, or, in the discretion of the commissioner and at the request of the seller, any other period of twelve consecutive calendar months ending on the last day of a month other than December. Annual tax returns and annual payments

of taxes will be allowed only after the submission of satisfactory statements or evidence by the seller that the seller's annual liability for sales and use taxes will not equal or exceed one thousand dollars and that the collection of taxes will not be jeopardized.

(Effective May 25, 1989)

Sec. 12-426-25. Leasing and rental of tangible personal property

(a) **General rule.** The rental or leasing of tangible personal property for a consideration in this state is a sale and is subject to the tax. The lessor is a retailer who must register with the Commissioner of Revenue Services for a permit and collect the tax. The tax is imposed upon the gross receipts from the rental or leasing of tangible personal property. Such retailers shall pay the taxes so collected in the manner and form as other retailers licensed to sell tangible personal property. A lessee may issue a resale certificate to a lessor only in those cases where the lessee has qualified with this department as a lessor and the property is being leased solely for sub-leasing purposes.

(b) **Transitional rules.** The tax applies to all leases of tangible personal property existing on July 1, 1975. No credit against the tax is given for any sales or use tax paid by the lessor on such property purchased prior to July 1, 1975. The tax is imposed on the total amount of rental payments received on or after July 1, 1975. The rental is deemed received when it is due and owing. The lessor must collect and pay the tax on the total amount of payment or periodic payments received for leasing or rental of tangible personal property for any term on or after July 1, 1975 whether or not such amount is prepaid and received prior to said date.

(c) "Gross receipts" shall include the total amount of payment, royalties or periodic payments received for the leasing or rental of tangible personal property. Said amount shall include all charges including but not limited to maintenance and service contracts, cancellation charges, installation service and transportation charges for delivery to the lessee, whether or not such amounts are separately stated. Gross receipts shall not include the cost of gasoline or insurance charges when such amounts are separately stated and the lessee has the option to either accept the lessor's insurance offer or to procure other coverage.

(d) Gross receipts do not include the amount charged for the operator where the lessor supplies an operator for the leased property if the amount charged is for the compensation of the operator, is reasonable and is segregated in the invoice. A reasonable charge is one based upon the prevailing rate in the area. However, where an operator is supplied with the equipment, the contract is entered into for a specific job or operation, and where the owner of the equipment through the operator retains complete control over the equipment and retains discretion as to when and how to perform, said contract will be one for services and not for lease.

(e) Tangible personal property purchased exclusively for lease or rental is purchased for resale and a resale certificate may be issued therefor. Said certificate may be issued in the purchase of parts and accessories used directly in the rental or leasing or used in the repair of the leased property. Where the property is purchased in part for lease and in part for the use of the lessor, it may not be purchased on a resale certificate and the vendor must collect the tax on the purchase price. The tax must also be collected on any subsequent lease of the property.

(f) The rental of safe deposit boxes, food lockers, storage or baggage lockers are not rental of personalty but rental of storage space and not subject to tax. Charges for chartering of buses, boats, airplanes and limousines are not subject to tax, where the owner maintains complete control over the conveyance.

(g) Rental of equipment to contractors engaged in work on exempt projects is subject to the tax.

(h) A lease is considered to be consummated in this state and subject to the tax where delivery of the tangible personal property is taken within the state or the property is leased with the intent to use it in the State of Connecticut and the property is so used. The tax does not apply where delivery is taken outside the state and the property is used exclusively outside the State of Connecticut.

(Effective April 7, 1980)

Sec. 12-426-26.

Repealed, April 23, 1991.

Sec. 12-426-27. Enumerated services

(a) The rendering of the following enumerated services for a consideration, defined in subsection (b) of this regulation, in this state on or after July 1, 1975, shall be a sale and subject to the sales tax. Any person or entity rendering such services must register with the Commissioner of Revenue Services and must collect the tax due thereon from the purchaser. Such retailers shall pay the taxes so collected in the manner and form as other retailers licensed as such to sell tangible personal property in this state. A purchaser may issue a resale certificate only in those instances where said services are being resold without change.

(b) Enumerated services.

(1) Computer and data processing services.

Such services mean and include providing computer time, storing and filing of information, retrieving or providing access to information, designing, implementing or converting systems, providing consulting services, and conducting feasibility studies. The transfer of dominion and control of computer hardware and software for a consideration does not come within the purview of this section, since such transfer shall constitute a lease or rental of tangible personal property and be subject to tax under Section 12-426-25.

(2) Credit information and reporting services.

Such services include but are not limited to the assembling and evaluating of information regarding the credit standing, creditworthiness, or credit capacity of any individual, corporation, partnership or other type of entity, for the purpose of furnishing and disseminating written or oral credit reports.

(3) Collection services; employment and personnel services.

(a) Collection services mean and include the calling for and receiving of accounts, bills and other indebtedness from a debtor on the behalf of a creditor. Such services are provided for a consideration by a collection agency, whether or not licensed by the state of Connecticut to engage in such services.

(b) Employment services mean and include the procurement or offer to procure for a consideration: Jobs or positions for those seeking employment; or employees for employers seeking the services of employees.

(c) Personnel services mean and include furnishing temporary or part-time help to others by means of employing such temporary and part-time help directly.

(4) Repealed, April 23, 1991.

(5) Private investigation, protection, patrol, watchman and armored car services.

Such services mean and include providing personnel or canines to patrol or guard property; engaging in detective or investigative duties; safeguarding or maintaining a surveillance of an individual; maintaining and monitoring mechanical protective devices, such as burglar and fire alarm systems; providing armored cars for the

transportation of valuables; wrapping coins; setting up a payroll; and the rendering of police services by an off-duty policeman.

(6) Sign painting and lettering services.

Such services include painting and lettering of indoor or outdoor signs, the painting and lettering of names, trademarks, or logos on store fronts, buildings, billboards, motor vehicles, concrete, and marble.

(7) Interior design and decorating services.

Such services shall include but not be limited to the selection, procurement and arrangement of the surface coverings, draperies, furniture, furnishings, and other decorations for the interior of a home or building, counseling with respect to such decorations, and services incidental thereto. Such services do not include the sale of tangible personal property.

(8) Telephone answering services.

Such services include transmitting of telephone messages to the clients of those engaged in the business of providing such services.

(9) Stenographic services.

Such services mean and include typing, taking shorthand, and taking and transcribing dictation for others for a consideration.

(10) Repealed, April 23, 1991.

(11) Services providing "piped-in" music to business or professional establishments.

Such services mean and include providing background music to industrial, commercial, or professional establishments for a consideration, where such music is supplied to customers by radio transmission, telephone lines, and other means.

(c) When the services enumerated in subsection (b) are performed by an employee for his employer, the wages, salaries or other compensation received by the employee do not constitute receipts subject to the Sales and Use Tax.

(d) The services enumerated in subdivisions (b) (1), (2), (4) and (5) are usually rendered in the form of a report by the service agency to its customer. Such reports are taxable, whether given in written, oral or any other form, if delivered to or intended for use in the State of Connecticut.

(e) Collection services rendered by a collection agency are taxable if the collection is made on behalf of a creditor located in Connecticut.

(f) Protection, patrol or watchman services rendered in connection with property located in Connecticut are taxable. Armored car services are taxable when the service is provided to a Connecticut client.

(g) Employment services are taxable if the agency rendering such services procures a job or position in a Connecticut business for a person seeking employment. If a job or position is procured without the state, such services are not taxable.

(h) Personnel services are taxable if the agency rendering such services furnishes temporary or part-time help to a Connecticut business seeking such help. If temporary or part-time help is furnished to a business without the state, such services are not taxable.

(i) Interior decorating and design services are taxable when rendered in connection with property located in Connecticut.

(j) Service agencies providing any of the services enumerated in subsection (b) are considered to be consumers of all tangible personal property consumed in the performance of such services.

(k) The term “includes” when used in a definition contained in this regulation shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(Effective April 7, 1980)

Sec. 12-426-28.

Repealed, November 22, 1985.

Sec. 12-426-28a.

Repealed, April 6, 2000.

Sec. 12-426-29. Exemption of food products for human consumption; Taxability of meals sold by eating establishments or caterers

(a) General Statement.

Section 12-412 (13) of the Connecticut General Statutes exempts the sale of food products for human consumption from sales tax. The purpose of this regulation is to clarify what is covered by that exemption.

(b) Food Products for Human Consumption.

For purposes of this regulation, “food products for human consumption” mean all products normally consumed by human beings for nutritive value or taste satisfaction, except that the following types of products are not food products and are subject to tax:

(1) alcoholic beverages and mixes therefor (excluding wines made for use in cooking).

(2) candy and confectionery, including candied fruit, candy coated popcorn, chewing gum, breath mints and carob, yogurt or chocolate covered nuts, but not including baking chocolate and similar items made for use in cooking or baking.

(3) carbonated beverages, including carbonated water.

(4) pet food.

(5) tobacco products, including chewing tobacco.

(6) items which are combinations of food products and non-food products, unless it is established that fifty percent or more of the sales price is attributable to the value of the food products.

(7) meals sold by eating establishments or caterers.

(c) Meals Sold by Eating Establishments or Caterers.

Meals sold by eating establishments or caterers are subject to sales tax. The measure of the tax is the gross receipts from the sale of meals.

(1) Meals. For purposes of this regulation, “meals” mean food products for human consumption sold in such form and such portions that they are ready for immediate consumption and are of a type normally consumed on or near the location of the seller.

“Meals” include items described in the preceding sentence which are sold on a take-out basis.

“Meals” do not include bulk sales of food products unless meant for consumption on or near the location of the seller. Examples of such bulk sales include the sale of ice cream in one-half gallon containers, whole pies, cold sliced meat sold by the pound and cold salads sold by the pound. Examples of sales which are not bulk sales include the sale of whole pizza pies and buckets of fried chicken.

(2) Eating Establishment. For purposes of this regulation, “eating establishment” means a place where meals are sold and includes a cafeteria; catering hall; coffee and donut shop; fast food restaurant, including one selling items such as fish and

chips, fried chicken pieces, hamburgers, etc.; ice cream shop; luncheonette; mobile food truck or cart, including one selling items such as coffee, ice cream, pastry, sandwiches, etc.; pizzeria; refreshment stand, including one located at a place such as an amusement park, bowling alley, stadium, theatre, etc.; restaurant; sandwich shop; snack bar; and a vending machine.

(3) Caterer. For purposes of this regulation, “caterer” means a person who is engaged in the business of preparing meals and either serving such meals on premises designated by his customer, or delivering, but not serving, such meals to premises designated by his customer. Such a person is a caterer, even if he does not provide the food products which will constitute the meals.

(4) Gross receipts from the sale of meals. For purposes of this regulation, “gross receipts from the sale of meals” include all of the following:

(A) the listed selling price of the meal.

(B) a separately stated service charge, added in lieu of a gratuity, unless both of the following conditions are met:

(i) the service charge does not inure to the benefit of the seller (the use of such service charge by the seller to reduce his expenses, including his payroll expense, is a benefit to the seller.).

(ii) the service charge is remitted, in its entirety, to the service personnel who provided the meal service.

(C) charges for the services of bartenders, busboys, waiters or other personnel.

(D) charges for the use of dishes, glassware or other items used in preparing or serving meals.

(d) **Non-Taxable Sales of Meals.**

The following types of sales are not subject to tax:

(1) Sales of meals made at a school or college to students or staff thereof.

(2) Sales of meals to patients at a hospital, home for the aged, convalescent home, nursing home or rest home.

(3) Sales of meals made to a charitable or religious organization which holds a sales tax exemption or to an agency of the United States, the State of Connecticut, or a Connecticut municipality, provided all the following conditions are met:

(A) the seller directly charges the organization or governmental agency for the meals.

(B) the organization or governmental agency directly pays (by check on its own account) the seller.

(C) the organization or governmental agency is not reimbursed, directly or indirectly, for its payment for the meals by those who consumed the meals.

(4) Sales of meals made by a nonprofit organization to an elderly, disabled or other homebound person if the meal is delivered to the home of such person.

(5) Occasional sales of meals by a nonprofit organization as described in section 12-426-17 of the Regulations of Connecticut State Agencies (Sales Tax Regulation No. 17).

(e) **Employee Meals.**

No tax is due from an employer who serves meals on his premises to his employees, provided no separate charge or deduction is made therefor by such employer.

(f) **Items Purchased for Resale.**

An eating establishment or caterer which furnishes, with meals, paper napkins, paper plates, plastic tableware, straws and similar non-reusable items may purchase such items without payment of sales tax. Such an eating establishment or caterer must furnish the supplier of such items with a resale certificate.

(Effective December 26, 1985)

Sec. 12-426-30. Clothing and footwear

(a) **In general.** The sale at retail of tangible personal property within this state is subject to the sales tax imposed under chapter 219 (Sales and Use Tax Act). The storage, consumption or other use within this state of tangible personal property purchased from a retailer for storage, consumption or other use within this state is subject to the use tax imposed under chapter 219. Subsection (47) of section 12-412 of the Connecticut General Statutes exempts from sales and use taxes the sale, and the storage, consumption or other use, of articles of clothing and footwear, where the sales price thereof is less than seventy-five dollars. Subsection (47) of said section 12-412 does not exempt from sales and use taxes the sale, and the storage, consumption or other use, of clothing and footwear primarily designed for athletic activity or protective use (and not normally worn other than for such athletic activity or protective use) and jewelry, handbags, wallets, watches, luggage and umbrellas. Subsection (b) of this section pertains to the taxation of articles of clothing or footwear sold for more than the exemption amount. Subsection (c) of this section pertains to the taxation of articles of clothing or footwear consisting of several items priced as one item. Subsection (d) of this section pertains to the taxation of materials used to make articles of clothing or footwear. Subsection (e) of this section pertains to definitions of terms used in this section and in subsection (47) of said section 12-412.

(b) **Article sold for more than exemption amount.** When the sales price of an article of clothing or footwear is seventy-five dollars or more, the tax applies to the entire sales price and not just to the amount of the entire sales price in excess of seventy-four dollars and ninety-nine cents (the exemption amount).

(c) **Articles priced separately.** When articles of clothing or footwear consisting of several items are priced separately, each article, for purposes of determining whether the sales price of the article is in excess of the exemption amount, is considered separately. When articles of clothing or footwear consisting of several items are priced as one item, the articles, for purposes of determining whether the sales price of the articles is in excess of the exemption amount, are considered to be one article. For example, suit trousers and a suit jacket priced as one item shall be considered to be one article of clothing; while a skirt and a blouse priced separately shall be considered to be two articles of clothing.

(d) **Materials used to make articles of clothing or footwear.** Subsection (47) of section 12-412 does not exempt from sales and use taxes the sale, and the storage, consumption or other use, of materials used to make articles of clothing or footwear.

(e) **Definitions.** As used in subsection (47) of section 12-412 and in this section, the following terms have the meaning ascribed to them herein.

(1) “Articles of footwear” do not include footwear primarily designed for athletic activity or protective use (and not normally worn other than for such athletic activity or protective use), such as bicycle shoes, bowling shoes, cleated shoes, fireman boots, hiking boots, paddock boots, riding boots, ski boots, waders, roller skates and ice skates. Insoles and arch supports are also not articles of footwear. “Articles of footwear” do include basketball shoes, sneakers, running shoes without cleats, overshoes, rubbers, slippers and safety shoes suitable for everyday use. Shoelaces are also articles of footwear.

(2) “Articles of clothing” do not include clothing designed for athletic activity (and not normally worn other than for such athletic activity) such as sports uniforms, batting gloves, golf gloves, athletic supporters, headbands, martial arts attire, riding pants, shin guards, ski suits, sports helmets, water ski vests and wet suits. “Articles

of clothing'' do not include clothing designed for protective use (and not normally worn other than for such protective use) such as goggles, lab coats, potholders, protective aprons, rubber gloves, and safety glasses. Barrettes, hairnets, shower caps, sunglasses, surgical gloves, wigs and party costumes are also not articles of clothing. ''Articles of clothing'' do include kitchen aprons, arm or leg warmers, bandannas, scarves, handkerchiefs, bathing caps, belts, suspenders, ear muffs, foul weather gear, gloves, gym suits, caps, hats, leotards and tights, adult diapers, knee-length socks, painter pants, employee uniforms, scout uniforms, rented formal wear, ski jackets and sweaters, swim suits, tennis and golf dresses and skirts, and hosiery.

(Effective March 27, 1986)