**Opinion Letter**

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| **Letter Number:** | **O-1998-03** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Taxability of computers purchased by a farmer for farm use.** |
| **Keywords:** |  |
| **Approval Date:** | **08/05/1998** |

**Body:**

Office of Policy & Research

August 5, 1998

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Dear Ms. TTTTTTTTTTT:

We wish to acknowledge receipt of your letter dated April 21, 1998, regarding the application of Kansas Retailers’ Sales tax.

K.S.A. 79-3606(t) exempts from sales tax: “all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such equipment. For purposes of this subsection the term “farm machinery and equipment or aquaculture machinery and equipment” shall include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126 and amendments thereto. . .”

Please be advised that it is the opinion of this department that both the bunkreader and vet records software would not qualify as farm machinery and equipment, since said software tracks cattle feeding operations, and therefore would not come within the scope of the sales tax exemption in K.S.A. 79-3606(t). Accordingly, the purchase of the software, the hardware to run the software, as well as the labor to install or maintain the hardware and software and any repair and replacement parts for said hardware would not be exempt from Kansas sales tax, pursuant to K.S.A. 79-3606(t).

In closing, K.S.A. 79-3606(t) would not exempt the sale of warranty or maintenance agreements for the hardware and software.

If I may be of further assistance, please contact me at your earliest convenience at (785) 296-7776.

Sincerely yours,

Thomas P. Browne, Jr.
Tax Specialist

TPB

**Date Composed: 09/02/1998 Date Modified: 10/10/2001**