**Private Letter Ruling**

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| **Ruling Number:** | **P-2001-102** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Sales of T-shirts with profits going to the United Way Fund in New York City.** |
| **Keywords:** |  |
| **Approval Date:** | **09/17/2001** |

**Body:**

Office of Policy & Research

September 17, 2001

XXXXX
XXXXX
XXXXX
XXXXX

Dear XXXXXX:

In your e-mail dated September 17, 2001 you made the following inquiry:

We are wanting to do a fund raiser with the profits to go to the United Way Fund in New York City. We are inquiring to the best way to sell or present to the public the sale of these shirts so that all the profits will go to the fund.

What would our sales tax obligation be on the sales? We are going to have other local business' displaying and selling these shirts also to make it a community effort.

K.S.A. 79-3603(a) imposes retailers’ sales tax on the “gross receipts received from the sale of tangible personal property at retail within this state.” Your business would be obligated to collect, report and remit state and local sales tax based on the selling price for each T-shirt sold by your business at retail. For other businesses displaying and selling the shirts, they would likewise be obligated to collect, report and remit state and local sales tax on the selling price for each T-shirt sold at retail, whether selling on a consignment basis or from inventory. See K.A.R. 92-19-8.

This private letter ruling is based solely on the facts provided in your request. If it is determined that undisclosed facts were material or necessary to make an accurate determination by the department, this ruling is null and void. This private letter ruling will be revoked in the future by operation of law without further department action if there is a change in the statutes, administrative regulations, or case law, or a published revenue ruling, that materially affects this private letter ruling.

Sincerely,

Richard L. Cram, Director
Office of Policy & Research

**Date Composed: 09/19/2001 Date Modified: 10/11/2001**