ARIZONA TRANSACTION PRIVILEGE AND USE TAX
DEFINITION – TRANSACTION PRIVILEGE TAX (TPT)

Commonly referred to as “sales tax,” TPT is tax on the retail sale of tangible personal property AND services.

- Retail Sale – sale to end user
- End user – each state defines it differently
  - Special case - in AZ, a MRRA contractor is an end user
- Tangible – can be touched, felt, tasted
  - Special case – in AZ, downloadable software is tangible personal property
- Personal Property – not land or building or attached to land or building
  - Special case – in AZ, counters in a bank, although attached, are considered personal property
- Services – intangible, cannot be stored or transported, come into existence at time of purchase
  - Special case - in AZ, professional and personal service occupations are usually exempt
THE “GENERAL” RULES

The University of Arizona is not a non-profit organization and is not exempt from sales/use tax!!

• **Sales to a non-profit organization**
  • Generally not exempt

• **Sales by a non-profit organization**
  • Generally exempt

• **Goods**
  • Generally taxable unless specifically exempt

• **Services**
  • Generally taxable unless specifically exempt such as:
    • Professional and personal service occupations
      • Transfers of TPP are inconsequential elements
      • i.e.: CPAs, lawyers
    • Services in addition to selling TPP at retail
      • i.e.: delivery of TPP

• **Examples of taxable services include: transportation, utilities, telecommunications, photographer’s services, and amusements**
SALES TAX RATES

For transactions involving retail, restaurants, utilities, communications, job printing, publication, rent of personal property, amusements, etc...

- AZ State – 5.6%
- Pima County – 0.5%
- Tucson – 0% when UA is seller
  - UA is exempt from collecting city tax from its customers, but:
- Tucson – 2.5-4.5% when UA is buyer
  - UA pays 2.5% to vendors – retail, restaurants, communications, job printing, publication, rent of personal property and amusements
  - UA pays 4.5% to vendors – public utilities
**SALES TAX RATES - SUMMARY**

<table>
<thead>
<tr>
<th>Description</th>
<th>Tax % (when selling)</th>
<th>Tax % (when buying)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AZ State</td>
<td>5.60%</td>
<td>5.60%</td>
</tr>
<tr>
<td>Pima County*</td>
<td>0.50%</td>
<td>0.50%</td>
</tr>
<tr>
<td>Tucson City*</td>
<td>0%</td>
<td>2.5-4.5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6.10%</strong></td>
<td><strong>8.60%-10.60%</strong></td>
</tr>
</tbody>
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*These rates may vary when buying or selling from or to different counties or cities/towns*
UNIVERSITY AS A SELLER

• We work together to properly collect and remit TPT

• Department’s responsibilities:
  • Identify taxable sales for Arizona customers
  • Collect and file customer’s tax exemption certificates
  • Collect the correct tax
  • Use proper object codes (refer to Financial Services Manual 8.11)
    • Taxable vs. non-taxable
  • Deposit revenue and tax in University accounts
  • Maintain detailed records of sales activities

• FSO’s responsibilities:
  • Prepare TPT return
  • Remit tax receipts to the State of Arizona
  • Provide guidance to Departments
DEFINITION – USE TAX

- Self-assessed tax on the use, storage, or consumption of tangible personal property
  - Sales tax was not levied by the vendor
  - The purchase is otherwise taxable in Arizona
- Example:
  - Purchase from an out of state vendor who does not have an Arizona TPT license
USE TAX RATE

- AZ State – 5.60%
- Counties generally do not impose use tax
- The University of Arizona is not subject to city tax
SALES OR USE TAX?

So, how do you know if it’s sales tax or use tax?

• Does it make a difference?
  • Sales and use tax are complementary
  • Pay only sales tax or use tax
  • Vendors charge sales tax
  • Use tax is self-assessed

USE TAX OR NO USE TAX?

• Test tubes shipped to AZ from FL, vendor did not charge sales tax  - USE TAX
• Cab fare in Boston, not sure if tax was charged  - NO USE TAX
• Office supplies ordered from CA, vendor did not charge sales tax  - USE TAX
• Restaurant in Oregon, vendor did not charge sales tax  - NO USE TAX
WHAT IS SALES TAX NEXUS?

Nexus means connection, or linkage.

• Factors that can create nexus:
  • Renting or owning property
  • Business presence in the state
    • Trade shows (except Nevada/Florida)
    • Presence of agents/contractors/employees

• Consequence of having nexus
  • Register as a retailer in that state
  • Collect taxes (University wide)
  • File returns (Minimum 1 year)
  • Remit payment to the state

• Departmental responsibility
  • Talk with FSO before you plan to:
    • Travel out of state to make sales
    • Have a distributor or warehouse in another state
NON-TAXABLE SERVICES

• Professional/personal services where sales of TPP is an inconsequential element, unless:
  • Specifically taxable, such as:
    • Transportation, utilities, telecommunications, and photographer’s services

• Services rendered in addition to selling TPP at retail
  • i.e.: Repair/maintenance and installation services, unless:
    • Taxable if not separately disclosed on invoice
    • Taxable if installation is to be attached to real property

• Shipping services/freight charges, unless:
  • Taxable if handling is included

• Warranty services/service contracts
  • Be careful, if related to software, it MAY be taxable
NON-TAXABLE TANGIBLE PERSONAL PROPERTY

- Textbooks/required course materials
- Printed and other media materials (available to the public) by UA Libraries
- Unprepared food for home (human) consumption
- Medically prescribed drugs, equipment or devices
- Purchases for resale (Use Arizona Form 5000A)
MORE NON-TAXABLE TRANSACTIONS

- Conference registration fees
- Professional membership dues
- Machinery and equipment used for research and development
- Chemicals used for research and development
- Others as set forth in statutes such as ARS 42-5061 or ARS 42-5159
- http://www.azleg.gov/arsDetail/?title=42
ARIZONA’S RESEARCH & DEVELOPMENT DEFINITION

• What it is:
Research and development means basic and applied research in the sciences and engineering, and designing, developing or testing prototypes, processes or new products, including research and development of computer software that is embedded in or an integral part of the prototype or new product or that is required for machinery or equipment otherwise exempt under this section to function effectively.

• What it isn’t:
Research and development do not include manufacturing quality control, routine consumer product testing, market research, sales promotion, sales service, research in social sciences or psychology, computer software research that is not included in the definition of research and development, or other non-technological activities or technical services.
MACHINERY & EQUIPMENT USED FOR RESEARCH

• Machinery or equipment used for research as defined is tax exempt
  • Must be 100% research use
  • Dollar amount is not a factor

• Machinery or equipment does not include:
  • Expendable materials and supplies
  • Office equipment, furniture and supplies
  • Hand tools
  • Janitorial equipment
  • Licensed motor vehicles
  • Shops, buildings, depots

• A repair or replacement part of tax-exempt research equipment is also exempt

• Leases and rentals of tax-exempt research equipment are exempt
MACHINERY & EQUIPMENT USED FOR RESEARCH

- Research does not include:
  - Social sciences
  - Psychology
  - Routine consumer product testing
  - Computer software development
  - Non-technological activities or technical services

- PCs, laptops and portable devices are almost never tax exempt

- Computers used in research of computer software – Not tax exempt

- Use exemption ARS 42-5061(B)(14) to claim exemption from sales tax

- Use exemption ARS 42-5159(B)(14) to claim exemption from use tax
CHEMICALS USED FOR RESEARCH

• Chemicals used directly in research as defined are tax exempt

• Exempt chemicals cannot be used or consumed in:
  • Packaging
  • Storage
  • Transportation

• Researcher who orders the item must determine whether it is “chemical”

• Use exemption ARS 42-5061(A)(38) to claim exemption from sales tax

• Use exemption ARS 42-5159(A)(35) to claim exemption from use tax
COMPUTER HARDWARE & SOFTWARE

• Purchase of hardware and standard, pre-written or “canned” software:
  • Almost never* exempt – Purchase of tangible, regardless of delivery

• *Purchase of customized software:
  • Designed exclusively to the specifications of a UA unique application
  • Modification of standard software at installation does not make it custom
  • Not taxable – Purchase of professional/personal services

• *Purchase (by a State community college or university) of remote software applications that either:
  • Are designed to assess or test student learning, or
  • Promote curriculum design and enhancement
  • Not taxable – ARS 42-5061(53) and ARS 42-5159(50)
HARDWARE & SOFTWARE SERVICES

• Computer services such as analysis, design, repair, and support engineering:
  • Not taxable

• Maintenance and warranty agreement for hardware and software:
  • Generally not taxable if:
    • Sold as a separate item, and
    • Does not include TPP, and
    • The price is stated separately

• Software agreement including updates, upgrades, modification or revisions to a standard software:
  • Taxable as purchase of TPP
CLAIMING TAX EXEMPTION FROM A VENDOR

• Vendors must document tax exempt transactions:
  • Tax exemption certificates (Arizona Form 5000 and Arizona Form 5000A) are required and provide:
    • University’s Federal Tax ID (74-2652689),
    • AZ TPT License Number (20221243),
    • Reason for exemption, and
    • The signature of the individual authorizing the purchase

• Arizona Form 5000 (and 5000A for resale purchases) for a PCard purchase:
  • Provided to the vendor (prior to transaction) by the department
  • Signed by the departmental individual who authorizes the purchase
  • Certificates and instructions are located the Financial Services Office Tax Services webpage:
    • http://www.fso.arizona.edu/tax-services/az-sales-use
Transaction Privilege Tax Exemption Certificate

C. Choose one transaction type per Certificate:
- [ ] Transactions with a Business
- [ ] Transactions with Native Americans & Native American Businesses (See reason #12.)
- [ ] Tribal Business License Number OR Tribal Number
- [ ] Name of Tribe
- [ ] Other Tax License Number
- [ ] Yes, provide reason:
- [ ] Transactions with a U.S. Government entity (See reasons #9 and #10.)
- [ ] Transaction with a Foreign Diplomat (See reason #13.)
- [ ] Please Nature of Purchaser’s Business.
- [ ] Public Research University

D. Reason for Exemption:
Check the box indicating one of the more common exemptions provided below, or use Box 14 or 15 to cite the appropriate authority for another exemption (deduction). Refer to [www.azcentral.com/forms/TransactionPrivilegeTax.aspx](http://www.azcentral.com/forms/TransactionPrivilegeTax.aspx) for a complete list of state and city exemptions (deductions) and the business classes (codes) under which the deductions apply.

- [ ] Tangible personal property to be leased or rented in the ordinary course of the purchaser’s licensed business.
- [ ] Tangible personal property to be incorporated into a taxable contracting project, or a maintenance, repair, replacement or alteration project.
- [ ] Food, drink, or condiments purchased by a restaurant business.
- [ ] Pipes or valves four inches in diameter or greater to be used for transportation of oil, natural gas, artificial gas, water or coal slurry.
- [ ] Aircraft, navigational and communication instruments and related accessories sold or leased to:
  - Airlines holding a federal certificate of public convenience and necessity. 
  - Airlines holding a foreign air carrier permit for air transportation or
  - Any foreign government or nonsidents of Arizona who will not use such property in Arizona other than in removing such property from this state.
- [ ] Machinery or equipment used directly in the following business activities:
  - Manufacturing, processing or treating.
  - Printing or retouching.
  - Manufacturing or metallurgical operations.
  - Extraction of ores or minerals from the earth for commercial purposes.
  - Extraction of, or drilling for, oil or gas from the earth for commercial purposes.
- [ ] Other income producing capital assets. (Cities only.)
- [ ] Food, drink or condiments for consumption within the premises of any prison, jail or other institution under the jurisdiction of the state department of corrections, the department of public safety, the department of juvenile corrections, or a county sheriff.
- [ ] Tangible personal property sold or leased directly to the United States Government or its departments or agencies, or to a manufacturer, distributor, assembler or reseller, (Retail, personal property rental and mining classifications only.)
- [ ] Fifty percent of the gross proceeds or gross income from the sale of tangible personal property directly to the United States Government or its departments or agencies. (Retail classification only.)

Address 10368 (1916)
**ARIZONA FORM 5000**

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**E. Describe the tangible personal property or service purchased or leased and its use below:**

(Use additional pages if needed)

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**F. Certification**

A vendor that has reason to believe that this Certificate is not accurate or complete will not be relieved of the burden of proving entitlement to the exemption. A vendor that accepts a Certificate in good faith will be relieved of the burden of proof and the purchaser may be required to establish the accuracy of the claimed exemption. If the purchaser cannot establish the accuracy and completeness of the information provided in the Certificate, the purchaser is liable for an amount equal to the transaction privilege tax, penalty and interest which the vendor would have been required to pay if the vendor had not accepted the Certificate. Misuse of this Certificate will subject the purchaser to payment of the A.R.S. § 42-5009 amount equal to any tax, penalty or interest. Willful misuse of this Certificate will subject the purchaser to criminal penalties pursuant to A.R.S. § 42-1127(B).

I, (print full name) ________________________, hereby certify that these transactions are exempt from Arizona transaction privilege tax and that the information on this Certificate is true, accurate and complete. Further, if purchasing or leasing as an agent or officer, I certify that I am authorized to execute this Certificate on behalf of the purchaser named above.

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**Signature of Purchaser**

**Date**

**Title**

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UNIVERSITY AS A BUYER

Are the goods or services being shipped to/used in Arizona?

Yes

Is the transaction taxable in Arizona?

No obligation on buyer

No

Is the transaction taxable in the other state?

Yes

Does the vendor have a sales tax license with the other state and collect sales tax?

No

Could the transaction/activity create UA nexus with the delivery state?

Yes/Maybe

CONTACT FSO IMMEDIATELY!

No

No additional obligation on buyer

Is there an available Arizona exemption for the purchase?

Yes

Provide applicable Arizona Form 5000 to vendor

No

Yes

Does the vendor have an Arizona TPT license and collect TPT?

No

Use tax must be self-assessed

Yes

No
PCARD USE TAX EXEMPTION

• PCard reconcilers avoid erroneous assessment of use tax by:
  • Entering the sales tax amount in the “Enter Sales Tax” field when sales tax is charged by the vendor, or
  • Checking the “Tax Exempt Indicator” box in UAccess Financials when the transaction is tax exempt, or
  • Checking the “Tax Exempt Indicator” box in UAccess Financials when sales tax is charged but amount cannot be identified
    • Taxes are always included in the total price for the following:
      • Airline tickets
      • Telecommunication charges (Verizon/ AT&T / Sprint, etc.)

• Use tax is not automatically assessed on the following object codes:
  • 3820, 3870, 5520, 5540, 5560, 5810, 5830, 5850, 7810, 7820, 7830, and 9175
USE TAX GENERAL ERROR CORRECTION

• Step 1 – Review transactions where use tax was assessed
  • UAccess Analytics> Dashboards> Financial> General Financial Management > Transactions
  • Include relevant period, account and organization information
  • Doc Type = PCDO
  • Use Report View “Detail by Fund Group by Account and Object Code”
  • Export data and sort to see if use tax was charged and whether it needs correction
  • If use tax was erroneously assessed, see Step 2
GENERAL ERROR CORRECTION – FOR USE TAX

• Step 2 – GEC
  • UAccess Financials> Main Menu> Transactions> Financial> General Error Correction
GENERAL ERROR CORRECTION – FOR USE TAX

• Step 2 continued...
  • Description – “Reversal of use tax”
  • Explanation – Brief explanation why
  • Org. Doc. # - Original doc #
  • All entries would be in the “From” section – Reducing expense and liability from the account
  • Chart – “UA”
  • Reducing expenses
    • Account # - Account # in which the expense was charged
    • Object code – Object code in which the expense was charged
    • Reference Origin Code – “01”
    • Reference Number – Original doc # where the expense was charged
    • Line Description – “Reversal of use tax”
    • Amount – Use tax charged
    • Click Add
GENERAL ERROR CORRECTION – FOR USE TAX

• Step 2 continued...
  • Reducing liability
    • Account # - 2892000
    • Object code – 9190
    • Reference Origin Code – “01”
    • Reference Number – Original doc # where the expense was charged
    • Line Description – “Reversal of use tax”
    • Amount – Use tax charged
    • Click Add
  • Notes and Attachments - Include detailed explanation why the transaction is not taxable
    • Optional if details are included in “Explanation” box
  • Submit

• Please note – Use tax can be reversed with a GEC only for prior periods in the current fiscal year
IN REVIEW: THE “GENERAL” RULES

- Purchase and sale of tangible personal property and services are generally taxable, unless specifically exempt

- Many services are specifically exempt

- If taxable goods are purchased from an out of state vendor without Arizona nexus, self-assess use tax

- At the UA, if an item does not fit into “machinery or equipment used in research” or “chemical used in research,” it generally DOES NOT qualify for an exemption from tax
RESOURCES AND CONTACT INFORMATION

• Tax Services Arizona Sales and Use Tax page: http://www.fso.arizona.edu/tax-services/az-sales-use

• For assistance to determine the taxability of a purchase/sale: taxservices@fso.arizona.edu
  FSO-Tax Compliance: 520-621-1957

• For assistance to record the purchase, sales and related tax, or correction of use tax: http://www.fso.arizona.edu/tax-services/az-sales-use/faq
  FSO-Financial Management: 520-621-3220 or 520-621-3473