

Waste Collection and Removal Taxability Information Guide

The taxability of sales and purchases of tangible personal property and labor services by Waste Collection and Removal businesses are summarized below. (Does not include treatment, processing, manufacturing of products for further resale.) This list is not all-inclusive.

Purchases by Waste Collection and Removal Businesses:

Kansas sales or compensating use tax applies to those purchases identified or designated as taxable in the chart below. The applicable Kansas sales or Kansas consumers' use tax must be paid to the vendor or accrued and remitted directly to the Kansas Department of Revenue. Purchases from Kansas vendors may be reported using the retailers sales tax return. Purchases from outside this state which are delivered to this state are to be reported on the Kansas consumers compensating use tax return. If the applicable Kansas consumers use tax rate for your location is higher than the tax you paid to another state, you must remit the difference.

Purchases	Statute/ Regulation	Taxable or Exempt
Equipment used to collect, transport, treat, or store including bins, forklifts, haulers, trailers, dollies, containers, grabbers and waste removal equipment including repair and maintenance.	KSA 79-3603(a), (q)	Taxable
Yard equipment including bulldozers, cranes, stackers, balers, tractors, snow removal equipment, salt spreaders, and other equipment including repair and maintenance of such equipment.	KSA 79-3603(a), (q)	Taxable
Portable toilets purchased exclusively for lease or rental along with toilet paper, hand soap, hand sanitizer or paper towels furnished if part of the lease/rental agreement.	KSA 79-3603(h), KSA 79-3606(m)	Exempt
Supplies for portable toilets, if not furnished as part of the lease/rental agreement.	KSA 79-3603(a)	Taxable
Portable toilets purchased for use in for your own business operations or for occasional lease or rental.	KSA 79-3603(a)	Taxable
Portable toilet cleaning supplies, cleaning solutions, deodorizing chemicals, etc.	KSA 79-3603(a)	Taxable
Equipment purchased exclusively for renting or leasing with providing waste removal services.	KSA 79-3603(a)	Taxable
Equipment purchased exclusively for renting or leasing without providing waste removal services.	KSA 79-3603(h), 92-19-55b	Exempt
Uniforms, shop apparel, coats, hardhats, gloves, first aid supplies, PPE, etc.	KSA 79-3603(a)	Taxable
Signs, banners or posters purchased from an outside printer, or the costs of all materials if produced by a store, including educational materials.	KSA 79-3603(a), KAR 92-19-18a	Taxable
Motor vehicle fuel (gas & diesel) purchased for off road use when purchased without paying the motor fuel excise tax. This includes fuel for which the motor fuel tax (road tax) has been refunded to you.	KSA 79-3606(a), KAR 92-19-57	Taxable
Equipment included, but not limited to, motor vehicles, hydraulic equipment, dollies, ladders, lifts, batteries and chargers, fans, including the charges for repair and/or maintaining said equipment.	KSA 79-3603(a),(o), (q)	Taxable
Advertising in newspapers, radio, television, etc.	KSA 79-3606(nn)	Exempt
Canned Software and software upgrades and labor services to modify, alter, update or maintain software.	KSA 79-3603(s), KSA 79-3602(cc)	Taxable
Customized software, software upgrades and labor services to modify, alter, update or maintain customized software. "Customized" software is software developed for a single end user.	enumerated, See EDU-71R	Exempt
Laptop and desktop computers, copiers, printers, fax machines, calculators and other similar equipment including repairs and maintenance.	KSA 79-3603(a)	Taxable
Lease or rental of any tangible personal property such as copiers, fax machines, equipment, or vehicles.	KSA 79-3603(a)	Taxable
Warranty or service agreements for tangible personal property such as, computers, printers, copiers, security equipment, etc.	KSA 79-3603(r), KAR 92-19-62	Taxable
Complimentary items such as bottled water, soft drinks, coffee, creamer, sugar, cups and stir sticks, and candy.	KAR 92-19-16a	Taxable
Furniture and fixtures, including but not limited to: desks, lights, tables, chairs, shelving, plants, planters, artwork, and signs.	KSA 79-3603(a)	Taxable
Janitorial supplies such as vacuums, carpet cleaners, sweepers, scrubbers, floor waxers, rags, toiletries, and snow and ice removal products.	KSA 79-3603(a)	Taxable
Labor services on original construction of new building or facility.	KSA 79-3603(p)	Exempt
Repairs and maintenance to existing buildings, and existing covered structures (not part of original construction).	KSA 79-3603(p)	Taxable
Exterior building or parking lot signage, including charges for parts and labor for repairs and maintenance.	KSA 79-3603(a), (p),(q), KAR 92-19-18a	Taxable
Floor mat rental.	KSA 79-3603(h)	Taxable
Laundry, dry cleaning pressing services for uniforms, etc.	KSA 79-3603(i)	Taxable
Pest control treatments, services, and pest control materials and supplies.	KSA 79-3603(p)	Taxable
Plumbing, wiring, cabinets and other installation and repair services (not associated with original construction).	KSA 79-3603(a),(p),(q)	Taxable
Printed materials such as catalogs and flyers mailed directly to customers or prospective customers through mailing or delivery service.	KSA 79-3603(a), KSA 79-3672, KSA 79-3602(j) & (i)	Taxable
Promotional items including but not limited to: calendars, mugs and items of clothing.	KSA 79-3603(a) 92-19-16(a)	Taxable
Reference books and materials, newspaper and magazine subscriptions, forms, printed matter (including promotional brochures, etc.), business cards, notepads, etc.	KSA 79-3603(a)	Taxable
Tangible personal property to be given away or donated. (Items that are given away or donated to a tax exempt entity are not subject to sales tax.)	KAR 92-19-16a	Taxable
Security cameras and other security equipment purchased, repaired, and maintained.	KSA 79-3603(a)	Taxable
Security systems monitoring service	non-enumerated	Exempt

Purchases continued

	Statute/ Regulation	Taxable or Exempt
Utilities including but not limited to electricity, gas and water	KSA 79-3603(c)	Taxable
Trash removal, shredding services, cleaning services, plant watering and care.	non-enumerated	Exempt
Professional services such as legal or accounting services	non-enumerated	Exempt
Telephone answering services	KSA 79-3603(t)	Taxable

Sales by Waste Collection and Removal Businesses

The taxability of sales of tangible personal property and labor services by Waste Collection and Removal businesses is summarized below. This list is not all inclusive. The applicable sales tax must be collected unless the purchaser provides a valid exemption certificate.

Sales

	Statute/ Regulation	Taxable or Exempt
Rental or sales of waste collection bins, dumpsters, roll-off containers, augers, compactors etc. if not providing waste removal services.	KSA 79-3603(h)	Taxable
Rental or sales of waste collection bins, dumpsters, roll-off containers, etc. if providing waste removal services.	non-enumerated	Exempt
Rental or sales of portable restrooms.	KSA 79-3603(h)	Taxable
Retail sales of tangible personal property including snacks, beverages, gloves, safety glasses etc.	KSA 79-3603(a)	Taxable
Sales/rentals to exempt entities with proper exemption certificates provided are exempt from sales tax. Ensure the exemption certificates are retained to substantiate all non taxed transactions. <u>Project exemption certificates do not exempt portable restrooms, offices, trailers, or motor vehicles.</u>	KSA 79-3603(h)	Taxable
Lease or rental of a portable toilet to a farmer or rancher is taxable since a portable toilet is not equipment that is used directly in agricultural production.	KSA 79-3603(h)	Taxable
Removal, shredding and recycling of paper	non-enumerated	Exempt
Snow shoveling & plowing (including application of salt and sand).	non-enumerated	Exempt
Tree removal	non-enumerated	Exempt
Waste water hauling	non-enumerated	Exempt
Collection and hauling of trash and waste.	non-enumerated	Exempt
Pet waste collection and removal.	non-enumerated	Exempt

Note: Kansas tax applies to the "gross receipts" from the sale of taxable goods or services in Kansas. Gross receipts include any amounts collected from the customer including any charges billed for freight, delivery or special handling.

* Kansas only taxes services that are enumerated in K.S.A. 79-3603.

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