

OKLAHOMA TAX COMMISSION

TAX POLICY AND RESEARCH DIVISION
TONY MASTIN, DIRECTOR

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August 3, 2001

Re: Our file Number LR-01-102; Sales tax on sales and purchases by PTA's

Dear Counselor:

This is in response to your inquiry concerning the subject referenced above. I have scanned your question into the body of this letter. Each is followed by our response:

- 1) When a public school PTA purchases items for re-sale (ex: purchasing T-shirts from a vendor for re-sale by the PTA to the public), does the PTA have to pay sales tax to the vendor from which the PTA purchases the T-shirts?

Response: If the PTA holds a valid Oklahoma Sales Tax Permit, it may buy items it is going to resale, exempt from sales tax.

- 2) When a public school PTA sells items as a fundraiser (ex: T-shirts, Yearbooks carnival tickets) is the PTA exempt under Part 39.710:65-13-210(h) of the OTC Regulations from collecting sales tax on sales by the PTA to the public

Response: Yes

- 3) When a public school PTA purchases items for use by the PTA (such as prizes for a contest or a game to be used at a carnival fundraiser and which are not re-sold), does the PTA pay sales tax on the purchase?

Response: Yes

- 4) When a public school PTA purchases an item to be immediately donated to a public school (e): a computer or playground equipment) does the PTA pay sales tax on the item purchased:

Response: Yes

- 5) When a public school PTA purchases an item for use in the classroom by a specific classroom teacher, but which would become the property of the public school (ex: curriculum, books ,bulletin board displays), does the PTA pay sales tax on the item purchased?

Response: Yes

These responses are based on Oklahoma Tax Commission Rule 710:65-13-210 to which you refer in your letter.

This response applies only to the circumstances set out in your request of July 24, 2001. Pursuant to Commission Rule 710:1-3-73(e), this Letter Ruling may be generally relied upon **only** by the entity to whom it is issued, assuming that all pertinent facts have been accurately and completely stated, and that there has been no change in applicable law.

If I can be of further assistance, please feel free to contact me.

Sincerely,
OKLAHOMA TAX COMMISSION



Michael G. Pillow
Tax Policy Analyst