OKLAHOMA TAX COMMISSION

TAX POLICY DIVISION
DAWN CASH, DIRECTOR

PHONE (405) 521-3133
FACSIMILE (405) 522-0063

August 21, 2009

Re: Sales taxability of charges for median maintenance; Our File No. LR-09-117

Dear

I am writing in response to your request for a ruling regarding the sales taxability of charges made for median maintenance services. Based on the information provided in your correspondence of July 23, 2009, it is my understanding that the ovides a service to other entities for the maintenance of the medians around the campus of the invoices these entities for the annual maintenance and materials such as flowers and fertilizer and does not segregate a charge for the service and the material utilized to provide the service.

Charges for the service of providing median maintenance is not one of the enumerated transactions subjected to sales tax pursuant to Section 1354 of Title 68. Therefore, the referenced charge by the for median maintenance service is not subject to sales tax. Generally, any tangible personal property used to provide the described services is subject to sales or use tax when purchased by the service provider. However, since the is exempted from paying sales tax on its purchases of tangible personal property and taxable services no tax is due on the purchase of materials to provide the median maintenance service.

This response applies only to the circumstances discussed in your request of July 23, 2009. Pursuant to Oklahoma Administrative Code 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 there has been no change in applicable law.

Sincerely,

OKLAHOMA TAX COMMISSION

Christy J. Caesar

Christy J. Caesar
Tax Policy Analyst