APPENDIX 5:

Conklin & deDecker
State Tax Data
COLORADO

SALES/USE TAXES -- Yes  LOCAL TAXES -- Yes

SALES:
2.90%. The state sales/use tax rate is 2.9 percent, effective 1/1/01, plus local taxes ranging from 1% - 5.5%.

LEGISLATIVE ACTIVITY - Governor Hickenlooper signed HB 1080 on May 13, 2013 that extends an existing $1200/employee tax credit that can be taken by aircraft manufacturing companies that hire new workers, to companies that repair planes and those that refurbish them could take the same credits.
References: ((CRS 39-26-106 & DRP 2002))

Possible Exemptions

Common Carrier: - LTD
Effective July 1, 1984, all sales of aircraft used or purchased for use in interstate commerce by a commercial airline will be exempt from tax. A commercial airline is defined as an airline carrying freight or passengers on regularly scheduled flights for a fee.
References: ((CRS Sec. 39-26-114(1)(a)(XXII) & CRS 39-26-711(1)(a) & (2)(a))

Casual/Occasional Sales: - No
The occasional sale of personal property is not exempt from sales tax.
References: ((CRS Sec. 39-26-114(18)))

Related Entity: - Yes
"Sale" does not include the following: (a) A division of partnership or limited liability company assets among the partners or limited liability company members according to their interests in the partnership or limited liability company; (b) The formation of a corporation by the owners of a business and the transfer of their business assets to the corporation in exchange for all the corporation's outstanding stock, except qualifying shares, in proportion to the assets contributed; (c) The transfer of assets of shareholders in the formation and dissolution of professional corporations; (d) The dissolution and the pro rata distribution of the corporation's assets to its stockholders; (e) The transfer of assets from a parent corporation to a subsidiary corporation or corporations that are owned at least 80 percent by the parent corporation, which transfer is solely in exchange for stock or securities of the subsidiary corporation; etc.
References: (CRS 39-26-102(10))

Fly Away Exemption: - Yes
Effective August 8, 2008 (1) the sale of a new or used aircraft shall be exempt from taxation (a) if the aircraft is sold to a person who is not a resident of the State, (b) the aircraft will be removed from the state within 120 after the date of the sale; and the aircraft will not be in the state more than 73 days in any of the 3 calendar years following the calendar year in which the aircraft is removed from the State pursuant to paragraph (b). (2) A purchaser of an aircraft who claims the exemption allowed by this section shall, at the time of purchase, provide to the Seller an affidavit that the purchaser is not a resident of the State and that the purchaser agrees to pay the tax imposed by Part 1 of this article if the purchaser fails to comply with the requirements of this section. (3) An aircraft that is hangared or parked overnight shall be considered to be in the state for purposes of this section.
(CRS 39-26-711.5)

Sales of tangible personal property located within this state at the time of sale and delivered to the purchaser by the vendor or by common carrier to a destination outside this state for use outside this state are not taxable.
References: ((CRS 39-26-114(1)(a)(III)))
COLORADO

Trade In Allowance: - Yes
"Gross taxable sales" means the total amount received in money, credits, or property, excluding the fair market value of exchanged property which is to be sold thereafter in the usual course of the retailer's business, or other consideration valued in money from sales and purchases at retail within this state, and embraced within the provisions of this article. The taxpayer may take credit in this report of gross sales for an amount equal to the sale price of property returned by the purchaser when the full sale price thereof is refunded whether in cash or by credit.

References: ((CRS Section 39.26.102(5)))

RESALE/LESSOR: - Yes
2.9%, plus local taxes.

Any right to the continuous possession or use for three years or less of any article of tangible personal property under a lease or contract, if the lessor has paid to the state of Colorado a sales or use tax on such tangible personal property upon its acquisition, is exempt from the tax. The Department of Revenue may permit a Lessor of tangible personal property leased for a period of 3 years of less to acquire such property free of sales tax if the Lessor agrees to collect the sales tax on all lease payments received on such property.

Except as provided in section 39-26-713(1)(a), when right to possession or use for more than 3 years of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made, such lease or contract shall be considered the sale of such article, and the tax shall be computed and paid by the vendor upon the rentals paid.

References: ((CRS 39-26-114(1)(a)(XII), CRS 39-26-102(23) and 39-26-713(1)(a) and Permit #DR-0440)

RESALE/DEALER: - Yes
Purchases by a retailer who resells the goods as part of the retailer's regular business activity are not taxable to the retailer, but are taxable when the retailer resells the goods to the consumer. The retailer must pay sales taxes on purchases if the retailer intends to use the goods before they are resold. The buyer does not have the option of later paying consumer use tax on purchases for business or personal use.

The seller must take reasonable measures to verify that the sales tax account number provided by the buyer is valid.

The seller should establish an account for buyers who purchase items for resale. The seller must record the sales tax account number and check that the license is not expired.

References: (Colorado FYI 1 - How do document sales to retailers)

PARTS:
2.90%. Plus local taxes.

Exemptions 1: - Yes
The sale of tangible personal property that is to be permanently affixed or attached as a component part of an aircraft is exempt from the state sales/use tax.

NOTE: Many cities in Colorado are home rule cities and may not provide the same exemptions as the state.

References: (CRS 39-26-114(XXIII) & CRS 39-26-203(1)(cc) & 39-26-711(1)(b) & (2)(b))

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COLORADO

2.90%. Plus local taxes.

Exemptions 1: - No
Manufacturing and fabrication labor is taxable when aircraft is sold.

Exemptions 2: - Yes
Only price of parts, not labor are taxable. Labor is exempt when separately stated on the invoice.

References: (CRS 39-26-203)

AIRCRAFT REGISTRATION FEES -- No

PERSONAL PROPERTY TAX -- No
The gasoline tax imposed pursuant to section 39-27-102 (1) (a) (IV) (A), C.R.S., is imposed in lieu of personal property tax on the aircraft, except as otherwise provided in article 4 of title 39, C.R.S.

References: (CRS 43-10-111)

Excise Tax = $0.0400
Sales Tax = 2.900%
Exemptions = The Federal government and state & local governments are exempt from both the excise tax and the sales tax. Commercial airlines, which are exempt from Federal fuel excise taxes, are exempt from the state excise tax.

AVIATION GASOLINE TAX (CRS 39-27-102(1)(a)(IV)(B))
Excise Tax = $0.0600
Sales Tax = N/A
Exemptions = The Federal government and state & local governments are exempt from the excise tax. State licensed aerial applicators operating from private airports are entitled to a refund of half of the excise tax. (Form DR 7121)

STATE AVIATION TRUST FUND -- Yes

Dedication of Taxes
Jet Fuel Yes
Aviation Gasoline Yes
Aircraft Registration Fee N/A
Personal Property Tax N/A
Sales Taxes No
COLORADO

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SALES/USE TAXES -- Yes  LOCAL TAXES -- Yes

SALES:
6%. The state sales tax is imposed at the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state. In addition, local discretionary sales surtaxes, ranging from .5% - 1.5% may be imposed only on the first $5,000 of the sales price of an item of tangible personal property.

LEGISLATIVE ACTIVITY - SB 406 was signed by the Governor and was effective May 20, 2013. Rotary-wing aircraft that weigh more than 2000 pounds are now exempt from the tax on repair and maintenance, same as fixed-wing.
References: (F.S. Section 212.05(1)(a) & 212.054(2)(b)(1))

Possible Exemptions

Common Carrier: - LTD
1) An air carrier utilizing mileage apportionment for corporate income tax purposes may elect to be subject to the sales tax on a ratio of Florida revenue miles.

2) The sale of an aircraft of more than 15,000 pounds maximum certified takeoff weight for use by a common carrier is exempt from the tax imposed by this chapter. As used in this paragraph, "common carrier" means an airline operating under FAA regulations contained in Title 14, Chapter I, Part 121 or Part 129 of the Code of Federal Regulations.
References: (FS Section 212.0598 & Section 212.08(7)(ss) & 12A-1.007(2)(a))

Casual/Occasional Sales: - No
The isolated/casual sales exemptions does not apply to the sale of aircraft.
References: (Rule 12A-1.037(2)(a) & FS Section 212.05(1)(a)(1.b))

Fly Away Exemption: - Yes
An aircraft may be sold tax exempt to a purchaser

1) If delivery is accepted outside the State of Florida, provided a notarized statement is executed by the seller and buyer. The burden of obtaining this evidential matter rests with the seller, who must retain the proper documentation to support the exempt sale, or

2) When a nonresident purchaser removes an aircraft from this state within 10 days after the date of purchase, when the sale is by or through a "REGISTERED DEALER", or the aircraft is removed within 20 days of any repair work, the tax is not due

3) The sale by a manufacturer of flyable aircraft, to a nonresident purchaser who will not use the aircraft in this state or will use the aircraft in interstate or foreign commerce, is taxed in an amount equal to the sales tax which would be imposed on such sale under the laws of the state in which the aircraft will be domiciled.
References: (Rule 12A-1.007(10)(f) & FS 212.05(1)(a)2.a & c, FS Section 212.08(11))

Trade In Allowance: - Yes
Any trade-in of tangible personal property shall be excluded (deducted) from the gross sales price and only the net sales price shall be subject to tax if the sale and trade-in are one transaction, accepted by any person registered with the Department of Revenue as a dealer to engage in the business of selling aircraft and intended for resale
FLORIDA

by such dealer.

References: (Rule 12A-1.007(1)(b)1 & FS 212.09)

Credit for Tax Paid: - Yes

Sales and use: Credits: Sales or use tax credits: Credit for tax paid in another state.- A Florida Department of Revenue tax information publication clarifies the Department's position that Florida sales and use tax credits for taxes paid in another state may be claimed for tax paid to a county or city located in another state, provided the like tax is related to the transaction. The publication also provides a state-by-state breakdown of (1) sales taxes charged in other states, (2) whether Florida grants a credit for the other state's tax, and vice versa, and (3) the application of other states taxes on sales of motor vehicles.

References: (TIP No. 99A01-28)

Other:

Effective July 1, 2010

Aircraft Temporarily in the State (212.08(7)(ggg))
1) An aircraft owned by a nonresident is exempt from the use tax imposed under this chapter if the aircraft enters and remains in this state for less than a total of 21 days during the 6-month period after the date of purchase. The temporary use of the aircraft and subsequent removal from this state may be proven by invoices for fuel, tie-down, or hangar charges issued by out-of-state vendors or suppliers or similar documentation that clearly and specifically identifies the aircraft. The exemption provided in this subparagraph is in addition to the exemptions provided in subparagraph 2. and s. 212.05(1)(a).
2) An aircraft owned by a nonresident is exempt from the use tax imposed under this chapter if the aircraft enters or remains in this state exclusively for purposes of flight training, repairs, alterations, refitting, or modification. Such purposes shall be supported by written documentation issued by in-state vendors or suppliers which clearly and specifically identifies the aircraft.

Fractional Aircraft (212.02(33)) Defines the term "fractional aircraft ownership program." Provides tax exemptions on the sale or use of aircraft primarily used in a fractional aircraft ownership program and for the parts and labor used in the maintenance, repair, and overhaul of such aircraft. Provides a maximum tax on the sale or use of fractional aircraft ownership interests.

Qualified Aircraft - effective July 1, 2006.
"Qualified Aircraft" means any aircraft having a maximum certified takeoff weight of less than 10,000 pounds and equipped with twin turbofan engines that meet Stage IV noise requirements that is used by a business operating as an on-demand air carrier under FAR Title 14, Chapter I, Part 135, Code of Federal Regulations, that owns or leases and operates a fleet of at least 25 of such aircraft in this state. (NOTE: "or leases" was added effective July 1, 2007)

FS 212.0801 describes in more detail what you need to do to be eligible for the exemptions under 212.08(7).

References: (FS Section 212.02(33), FS Section 212.0801)

RESALE/LESSOR: - Yes

6%, plus local taxes.

Tangible personal property purchased exclusively for leasing purposes by a dealer registered with the Department at the time of purchase may be purchased tax-exempt. The purchasing dealer is required to issue a copy of the dealer's Annual Resale Certificate to the selling dealer at the time of purchase in lieu of paying tax.
FLORIDA

A transaction under which a person secures for a consideration the temporary use of tangible personal property, that is operated by or under the direction or control of the person or his employees, is subject to tax.

Lease of aircraft without crew is subject to tax.

The lease of a qualified aircraft or an aircraft of more than 15,000 pounds maximum certified takeoff weight for use by a "common carrier" is exempt from the tax imposed by this chapter. As used in this paragraph, "common carrier" means an airline operating under FAA regulations contained in Title 14, Chapter I, Part 121 or Part 129 of the Code of Federal Regulations.

References: (Rules 12A-1.071(1)(a), 2A-1.071(20) & 12A-1.071(2)(a) and FS Sect 212.08(7)(ss))

RESALE/DEALER: - Yes

Registered aircraft dealers who purchase aircraft exclusively for resale and do not pay sales tax on the purchase price at the time of purchase shall pay a use tax computed on 1 percent of the value of the aircraft each calendar month that the aircraft is used by the dealer. Payment of such tax shall commence in the month during which the aircraft is first used for any purpose for which income is received by the dealer. A dealer may pay the sales tax on the purchase of the aircraft in lieu of the monthly use tax. The value of the aircraft shall include its acquisition cost and the cost of reconditioning that enhances the value of the aircraft and shall generally be the value shown on the books of the dealer in accordance with generally accepted accounting principles. Notwithstanding the payment by the dealer of tax computed on 1 percent of the value of any aircraft, if the aircraft is leased or rented, the dealer shall collect from the customer and remit the tax that is due on the lease or rental of the aircraft; such payments do not diminish or offset any use tax due from the dealer.

References: (Sec 212.06(13) and)

PARTS:
6%. plus local

Exemptions 1: - Yes

There shall be exempt from the tax imposed by this chapter, replacement engines, parts and equipment used in the repair or maintenance of "Qualified Aircraft" aircraft, aircraft of more than 2,000 pounds (effective 1/1/2013) including rotary-wing aircraft (effective 5/20/13) maximum certified takeoff weight when such parts or equipment are installed on such aircraft that is being repaired and maintained in this state.

References: (FS Section 212.08(7)(rr))

Exemptions 2: - Yes

Effective 7/1/12 - Items used in manufacturing and fabricating aircraft 808 and gas turbine engines.-Chemicals, machinery, parts, and 809 equipment used and consumed in the manufacture or fabrication of 810 aircraft engines and gas turbine engines, including cores, 811 electrical discharge machining supplies, brass electrodes, ceramic guides, reamers, grinding and deburring wheels, Norton 813 vortex wheels, argon, nitrogen, helium, fluid abrasive cutters, 814 solvents and soaps, boroscopes, penetrants, patterns, dies, and 815 molds consumed in the production of castings are exempt from the 816 tax imposed by this chapter.

References: (FS Section 212.08(7)(hhh))

LABOR:
6%. Plus local.
FLORIDA

Exemptions 1: - Yes
There shall be exempt from the tax imposed by this chapter all labor charges for the repair and maintenance of qualified aircraft, aircraft of more than 2,000 pounds (effective 1/1/2013) including rotary-wing aircraft (effective 5/20/13), maximum certified takeoff weight Except as otherwise provided in this chapter, charges for parts and equipment furnished in connection with such labor charges are taxable.
References: (FS Section 212.08(7)(ee))

AIRCRAFT REGISTRATION FEES -- No

PERSONAL PROPERTY TAX -- No
There are no personal property taxes.
References: (Florida Constitution Article VII, s.1(a)(b))

JET FUEL TAX FS Section 206.9825
Excise Tax = $0.0690
Sales Tax = N/A
Exemptions = The Federal government, the U.S. Military and bonded export or international operations are exempt from the excise tax.

AVIATION GASOLINE TAX (FS Section 206.9825)
Excise Tax = $0.0690
Sales Tax = N/A
Exemptions = The Federal government, the U.S. Military and bonded export or international operations are exempt from the excise tax.

STATE AVIATION TRUST FUND -- Yes

Dedication of Taxes
Jet Fuel Yes
Aviation Gasoline Yes
Aircraft Registration Fee N/A
Personal Property Tax No
Sales Taxes No

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SALES/USE TAXES -- Yes \hspace{1cm} LOCAL TAXES -- No

SALES:

7%. Effective April 1, 2008 the state gross retail tax went up to 7%.

LEGISLATIVE ACTIVITY - SB 494 was signed into law on May 10, 2013. Effective July 1, 2013
1) The requirement that aircraft be registered out of the United States and be of a certain size for the sales and use tax exemption regarding tangible personal property used for the repair, maintenance, refurbishment, remodeling or remanufacturing of an aircraft or an avionics system of an aircraft was removed, and
2) The current sales tax on Jet Fuel and Aviation Gas was removed and the $0.18 per gallon refundable excise tax was removed to be replaced by a $0.10 per gallon excise tax on both.

References: (IC 6-2.5-2-2, IC 6-2.5-3-3)

Possible Exemptions

Common Carrier: - Yes
Tangible personal property bought by a public transportation provider can be bought exempt from sales or use tax if the property is to be directly used in providing public transportation. Property is directly used in providing public transportation if the property is reasonably necessary to provide public transportation.

A person who acquires an aircraft to rent or lease the aircraft to another person for predominant use in public transportation by the other person is exempt from the sales or use tax. Predominant use means more than 50%.

References: (IC 6-2.5-5-27 & Info Bulletin #12 (Dec 1, 2009))

Casual/Occasional Sales: - No
The tax is imposed in the storage, use or consumption of an aircraft, if the aircraft is --
1) Acquired in a transaction that is an isolated or occasional sale; and
2) Required to be titled, licensed or registered by this state for use in Indiana.

References: (IC 6-2.5-3-2(b) & Info Bulletin #20)

Related Entity: - N/A
There is no specific exemption for related entity transfers.

Fly Away Exemption: - Yes
Effective July 1, 2007. IC 6-2.5-5-42
Aircraft titled, registered, or based outside Indiana

Sec. 42. (a) A transaction involving an aircraft, including completion work (as defined in IC 6-2.5-3-2(f)), is exempt from the state gross retail tax if:
(1) the purchaser is a nonresident;
(2) the purchaser transports the aircraft to a destination outside Indiana within thirty (30) days after:
   (A) accepting delivery of the aircraft;
   (B) a repair, refurbishment, or remanufacture of the aircraft is completed, if the aircraft remains in Indiana after the purchaser accepts delivery for the purpose of accomplishing the repair, refurbishment, or remanufacture of the aircraft; or
   (C) accepting delivery (as defined in IC 6-2.5-3-2(f)) of the aircraft following completion work or a pre-purchase evaluation (as defined in IC 6-2.5-3-2(f));
(3) the aircraft is or will be:
   (A) titled or registered in another state or country; or
   (B) based (as defined in IC 6-6-6.5-1(m)) in that state or country, if a state or country does not require a
title or registration for aircraft; and
(4) the aircraft will not be titled or registered in Indiana.
(b) A purchaser must claim an exemption under subsection (a) by submitting to the seller an affidavit affirming
the elements required by subsection (a). In addition, the affidavit must identify the state or country in which the
aircraft is or will be titled, registered, or based.
(c) Within sixty (60) days after:
(1) a purchaser who claims an exemption under this section accepts delivery of the aircraft; or
(2) a repair, refurbishment, or remanufacture of the aircraft subject to an exemption under this section is
completed, if the aircraft remains in Indiana after the purchaser accepts delivery for the purpose of accomplishing
the repair, refurbishment, or remanufacture of the aircraft;
the purchaser shall provide the seller with a copy of the purchaser's title or registration of the aircraft outside
Indiana. If the state or country in which the aircraft is based does not require the aircraft to be titled or registered,
the purchaser shall provide the seller with a copy of the aircraft registration application for the aircraft as filed
with the Federal Aviation Administration.
(d) The department shall prescribe the form of the affidavit required by subsection (b).
(e) The amendments made to this section by the act enacted in 2012 shall be interpreted to specify and not to
change the general assembly's intent with respect to this section.
References: (IC 6-2.5-5-42. Info Bulletin #74)

Trade In Allowance: - Yes
Only the trade-in value of an aircraft for another aircraft may be deducted from the selling price for sales tax
purposes.
References: (45 IAC 2.2-3-6(e))

Credit for Tax Paid: - Yes
A person is entitled to a credit against the use tax imposed on the use, storage, or consumption of a particular item
of tangible personal property equal to the amount, if any, of sales tax, purchase tax, or use tax paid to another
state, territory, or possession of the United States for the acquisition of that property.
References: (6-2.5-3-5)

RESALE/LESSOR: - Yes
7%.
Every person engaged in the business of the rental or leasing of tangible personal property, other than a public
utility, shall be deemed to be a retail merchant in respect thereto and such rental or leasing transaction shall
constitute a retail transaction subject to the state gross retail tax on the amount of actual receipts from such rental
or leasing. When tangible personal property is rented or leased together with the service of an operator, the gross
retail tax or use tax is imposed on the property rentals. The tax is not imposed on the charges for the operators
services, provided such charges are separately stated on the invoice rendered by the lessor to the lessee.

Effective July 1, 2008, an aircraft acquired by a person for rental or leasing is not exempt from the sales tax unless
the person establishes that the annual amount of the lease revenue derived from leasing the aircraft is equal to or
greater than 10% of the cost of the aircraft if the cost was less than $1,000,000, or 7.5% if the cost is equal to or
greater than $1,000,000. (IC 6-2.5-5-8)
References: (45 IAC 2.2-4-27 & 28 and IC 6-2.5-4-10 and Info Bulletin #)

RESALE/DEALER: - Yes
The state gross retail tax shall not apply to sales of tangible personal property to a purchaser who purchases the
same for the purpose of reselling, renting or leasing, in the regular course of the purchaser's business, such tangible personal property in the form in which it is sold to such purchaser. Sales of tangible personal property for resale, rental or leasing are exempt from the tax if all of the following conditions are met ---
1) The tangible personal property is sold to a purchaser who purchases this property to resale, rent or lease it;
2) The purchaser is occupationally engaged in reselling, renting or leasing such property in the regular course of his business; and
3) The property is resold, rented, or leased in the same form in which it was purchased.

References: (45 IAC 2.2-5-15 and Info Bulletin #76)

PARTS:
7%.

Exemptions 1: - Yes
Parts used on aircraft engaged in providing public transportation for persons or property for consideration are exempt from the tax.
References: (IC 6-2.5-5-27 & Form ST 135)

Exemptions 2: - Yes
Effective July 1, 2013 transactions involving tangible personal property (including materials, parts, equipment, and engines) are exempt from the state gross retail tax, if the property is 1) used; 2) consumed; or installed; in furtherance of, or in, the repair, maintenance, refurbishment, remodeling, or remanufacturing of an aircraft or an avionics system of an aircraft. The exemption provided by this section applies to a transaction only if the retail merchant, at the time of the transaction, possesses a valid repair station certificate issued by the Federal Aviation Administration under 14 CFR 145 et seq. or other applicable law or regulation.
References: (IC 6-2.5-5-46)

Exemptions 3: - Yes
Effective July 1, 2007. IC 6-2.5-5-42
Aircraft titled, registered, or based outside Indiana
Sec. 42. (a) A transaction involving an aircraft, including completion work (as defined in IC 6-2.5-3-2(f)), is exempt from the state gross retail tax if:
(1) the purchaser is a nonresident;
(2) the purchaser transports the aircraft to a destination outside Indiana within thirty (30) days after:
   (A) accepting delivery of the aircraft;
   (B) a repair, refurbishment, or remanufacture of the aircraft is completed, if the aircraft remains in Indiana after the purchaser accepts delivery for the purpose of accomplishing the repair, refurbishment, or remanufacture of the aircraft; or
   (C) accepting delivery (as defined in IC 6-2.5-3-2(f)) of the aircraft following completion work or a pre-purchase evaluation (as defined in IC 6-2.5-3-2(f));
(3) the aircraft is or will be:
   (A) titled or registered in another state or country; or
   (B) based (as defined in IC 6-6-6.5-1(m)) in that state or country, if a state or country does not require a title or registration for aircraft; and
   (4) the aircraft will not be titled or registered in Indiana.
(b) A purchaser must claim an exemption under subsection (a) by submitting to the seller an affidavit affirming the elements required by subsection (a). In addition, the affidavit must identify the state or country in which the
INDIANA

aircraft is or will be titled, registered, or based.
(c) Within sixty (60) days after:
   (1) a purchaser who claims an exemption under this section accepts delivery of the aircraft; or
   (2) a repair, refurbishment, or remanufacture of the aircraft subject to an exemption under this section is
      completed, if the aircraft remains in Indiana after the purchaser accepts delivery for the purpose of accomplishing
      the repair, refurbishment, or remanufacture of the aircraft;
the purchaser shall provide the seller with a copy of the purchaser's title or registration of the aircraft outside
Indiana. If the state or country in which the aircraft is based does not require the aircraft to be titled or registered,
the purchaser shall provide the seller with a copy of the aircraft registration application for the aircraft as filed
with the Federal Aviation Administration.
(d) The department shall prescribe the form of the affidavit required by subsection (b).
(e) The amendments made to this section by the act enacted in 2012 shall be interpreted to specify and not to
change the general assembly's intent with respect to this section.
References: (IC 6-2.5-5-42. Info Bulleting #74)

LABOR:
7%.

Exemptions 1: - Yes
There is no tax on labor

AIRCRAFT REGISTRATION FEES -- Yes
There is an annual $10 aircraft registration fee.
References: (6-6-6.5-2 and Form 7695)

PERSONAL PROPERTY TAX -- No
References: (6-6-6.5-2 and Form 7695)

AIRCRAFT EXCISE TAX -- Yes
(a) The provisions of this chapter pertaining to registration and taxation shall not apply to any of the following:
   (1) An aircraft owned by and used exclusively in the service of:
       (A) the United States government;
       (B) a state (except Indiana), territory, or possession of the United States;
       (C) the District of Columbia; or
       (D) a political subdivision of an entity listed in clause (A), (B), or (C).
   (2) An aircraft owned by a resident of another state and registered in accordance with the laws of that state.
       However, the aircraft shall not be exempt under this subdivision if a nonresident establishes a base for the aircraft
inside this state and the base is used for a period of sixty (60) days or more.
   (3) An aircraft which this state is prohibited from taxing under this chapter by the Constitution or the laws of
       the United States.
   (4) An aircraft owned or operated by a person who is either an air carrier certificated under Federal Air
       Regulation Part 121 or a scheduled air taxi operator certified under Federal Air Regulation Part 135, unless such
person is a corporation incorporated under the laws of the state of Indiana, an individual who is a resident of
Indiana, or a corporation with Indiana corporate headquarters (as defined in IC 6-1.1-12.2-6).
   (5) An aircraft which has been scrapped, dismantled, or destroyed, and for which the airworthiness
       certificate and federal certificate of registration have been surrendered to the Federal Aviation Administration by
the owner.
(6) An aircraft owned by a resident of this state that is not a dealer and that is not based in this state at any time, if the owner files the required form not later than thirty-one (31) days after the date of purchase; and furnishes the department with evidence, satisfactory to the department, verifying where the aircraft is based during the year.

(7) An aircraft owned by a dealer for not more than five (5) days if the ownership is part of an ultimate sale or transfer of an aircraft that will not be based in this state at any time. However, the dealer described in this subdivision is required to file a report of the transaction within thirty-one (31) days after the ultimate sale or transfer of ownership of the aircraft. The report is not required to identify the seller or purchaser but must list the aircraft's origin, destination, N number, date of each transaction, and ultimate sales price.

(8) An aircraft owned by a registered nonprofit museum, if the owner furnishes the department with evidence satisfactory to the department not later than thirty-one (31) days after the purchase date. The aircraft must be reported for registration, but the department shall issue the registration without charge.

The provisions of this chapter pertaining to taxation shall not apply to an aircraft owned by and used exclusively in the service of Indiana or a political subdivision of Indiana or any university or college supported in part by state funds. That aircraft must be reported for registration, but the department will issue the registration without charge.

The aircraft license excise tax is as follows:

<table>
<thead>
<tr>
<th>AGE</th>
<th>Class A</th>
<th>Class B</th>
<th>Class C</th>
<th>Class D</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Piston driven</td>
<td>Piston Driven, pressurized</td>
<td>Turbine driven</td>
<td>Homebuilt, gliders, hot air ballons</td>
</tr>
<tr>
<td>0-4 years</td>
<td>$0.04/lb</td>
<td>$0.065/lb</td>
<td>$0.09/lb</td>
<td>$0.0175/lb</td>
</tr>
<tr>
<td>5-8 years</td>
<td>$0.035/lb</td>
<td>$0.055/lb</td>
<td>$0.08/lb</td>
<td>$0.015/lb</td>
</tr>
<tr>
<td>9-12 years</td>
<td>$0.03/lb</td>
<td>$0.05/lb</td>
<td>$0.07/lb</td>
<td>$0.0125/lb</td>
</tr>
<tr>
<td>13-16 years</td>
<td>$0.025/lb</td>
<td>$0.025/lb</td>
<td>$0.025/lb</td>
<td>$0.01/lb</td>
</tr>
<tr>
<td>17-25 years</td>
<td>$0.02/lb</td>
<td>$0.02/lb</td>
<td>$0.02/lb</td>
<td>$0.0075/lb</td>
</tr>
<tr>
<td>over 25 years</td>
<td>$0.01/lb</td>
<td>$0.01/lb</td>
<td>$0.01/lb</td>
<td>$0.005/lb</td>
</tr>
</tbody>
</table>

References: (IC 6-6-6.5-9 & IC 6-6.5-13)

JET FUEL TAX IC 6-2.5-5-49; 6-6-13 & CD-49

Excise Tax = $0.1000

Sales Tax = No

Exemptions = Effective July 1, 2013 the Sales Tax went away and was replaced with a $0.10 per gallon excise tax.

The Indiana Department of Revenue has issued a news release regarding the new excise tax replacing the state's fuel sales tax. The tax is 10¢ per gallon on both aviation gasoline and jet fuel; the tax is collected by Indiana jet fuel distributors by adding the tax to the selling price of the fuel. Consumers are exempt from paying the tax if the fuel will be placed into the supply tank of an aircraft owned by: the United States or its instrumentalities, the state of Indiana, the Indiana Air National Guard, or a common carrier of passengers or freight. To be exempt, the consumer needs to show an exemption certificate to the retailer. Retailers collecting the aviation fuel excise tax must file and pay online through Indiana's online reporting and payment platform, INTax, by the 15th day of the month following the calendar month in which the sales occurred. (Indiana's New Aviation Fuel Excise Tax, IN Dept. Tax., 09/09/2013.)

AVIATION GASOLINE TAX (IC 6-2.5-49; 6-6-13 & CD-49)

Excise Tax = $0.1000
SALES TAX = No
Exemptions = Effective July 1, 2013 the Sales Tax went away, the excise tax was reduced from $0.18 to $0.10 and no refunds.

The Indiana Department of Revenue has issued a news release regarding the new excise tax replacing the state's fuel sales tax. The tax is 10¢ per gallon on both aviation gasoline and jet fuel; the tax is collected by Indiana jet fuel distributors by adding the tax to the selling price of the fuel. Consumers are exempt from paying the tax if the fuel will be placed into the supply tank of an aircraft owned by: the United States or its instrumentalities, the state of Indiana, the Indiana Air National Guard, or a common carrier of passengers or freight. To be exempt, the consumer needs to show an exemption certificate to the retailer. Retailers collecting the aviation fuel excise tax must file and pay online through Indiana's online reporting and payment platform, INTax, by the 15th day of the month following the calendar month in which the sales occurred. (Indiana's New Aviation Fuel Excise Tax, IN Dept. Tax., 09/09/2013.)

STATE AVIATION TRUST FUND -- No
Dedication of Taxes
Jet Fuel No
Aviation Gasoline No
Aircraft Registration Fee No
Personal Property Tax N/A
Sales Taxes No

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Admin - Aircraft Division
TEL: 317-232-1497

Web Site: www.in.gov/dor

Department of Aeronautics
Kevin Rector, Manager
Office of Aviation
TEL: 317-232-1477

Web Site: www.in.gov/dot/modertrans
Email:krector@indot.in.gov
SALES/USE TAXES -- Yes  LOCAL TAXES -- Yes

SALES:
4%. The rate of sales and use tax collected by the Department of Revenue is 4%. This tax is made up by three parts, RS 47:302(A) = 2%, 47:321(A) = 1% and 47:331(A) = 1%. Sales and use taxes are also collected by local government agencies in 63 or 64 Louisiana parishes. Local taxes can be as high as 7%.
References: (Title 6, Section 4303)

Possible Exemptions

Common Carrier: - LTD
A sale at retail shall not include the sale of airplanes to a commuter airline domiciled in Louisiana.
References: (Revised Statute 47:301(10)(k))

Casual/Occasional Sales: - Yes
Casual/occasional sales, which are also called isolated sales are specifically excluded from the statutory definition of doing business and are exempt from the sales and use taxes.
References: (Revised Statute 47:301(1))

Related Entity: - N/A
There is no specific exemption for related entities.

Fly Away Exemption: - Yes
If the first use of tangible personal property purchased within or imported into Louisiana for first use beyond the territorial limits of the state occurs in a state which imposes a sales or use tax, the exemption provided herein shall apply only if:

1) The purchaser is properly registered for sales and use tax purposes in the state of use and regularly reports and pays sales and use tax in such other state; and
2) The state in which the first use occurs grants on a reciprocal basis a similar exemption on purchases within that state for use in Louisiana; and
3) The purchaser obtains from the secretary of the Department of Revenue a certificate authorizing him to make the nontaxable purchases authorized under this Subsection; or
4) The property is subject to registration as a motor boat subject to registration by the state of Louisiana and such property is not registered for use in this state.

In addition, the term "sale at retail" shall not include the sales of Louisiana manufactured or assembled passenger aircraft with a capacity in excess of 50 persons, if, after all transportation, including transportation by the purchaser, has been completed, the aircraft is ultimately received by the purchaser outside of Louisiana.
References: (Revised Statute 47:305.10(B) and 47:301(10)(m))

Trade In Allowance: - Yes
"Sales Price" means the total amount for which tangible personal property is sold, less the market value of any article traded-in.
References: (Revised Statute 47:301(13) and 47:305(C)(1))
LOUISIANA

Other:
On May 22, 2007 released Louisiana Revenue Ruling 07-002 that offers a discussion of a Judicial Decision affecting the Sales & Use Taxation of Aircraft. This ruling is effective 7/1/07. This ruling redefines the LA interstate commerce exemption. In order for an aircraft to be considered to be used in "bona fide" interstate commerce, the bona fide interstate commerce activity must be continuous and uninterrupted from the moment the aircraft enters the state. In other words, for an airplane or any other commercial transportation vehicle to be considered in bona fide interstate commerce, the vehicle must be used exclusively, in the words of the Court, in "the exchange of goods and services.
References: (Revenue Ruling 07-002, effective July 1, 2007)

RESALE/LESSOR: - Yes
4%, plus local taxes.

The full rate of state and local sales tax is due on the gross proceeds derived from the lease or rental of tangible personal property. The tax applies to transactions in which possession and control of the leased or rented property is surrendered to the lessee, and not to transactions where the lessor retains control of the property by furnishing the crew to operate the property. The tax is imposed on the gross proceeds from the lease, in the case of a monthly or longer lease term; the tax is imposed on the monthly payments or other schedule of payments.

Purchases of Property for Lease: For the period beginning July 1, 2002 for purposes of the imposition of the tax levied by the state or any political subdivision of the state, the term "use" shall not include the purchase, the importation, the consumption, the distribution, or the storage of any tangible personal property which is to be leased or rented in an arm's length transaction in the form of tangible personal property.
References: (Revised Statute 47:302(B) & 47:301(10)(a)(iii))

RESALE/DEALER: - Yes
All sales shall be deemed to be retail sales unless the seller takes from the buyer a resale certificate signed by and bearing the name, address and registration number of the buyer, to the effect that the property was purchased for resale or to be used as an ingredient or a component of a new article for sale at retail. Wholesalers may recognize the claim of a buyer that the articles are purchased for resale only when the buyer is properly registered under the provisions of this article.
References: (Sec 150-523 & Revised Statute 47:301(10)(a)(iii))

PARTS:
4%. Plus local.

Exemptions 1: - Yes
A sale at retail shall not include the sale of airplane equipment or parts to a commuter airline domiciled in Louisiana.
References: (Revised Statute 47:301(10)(k))

LABOR:
4%. Plus local.

Exemptions 1: - Yes
Charges for the furnishing of repairs to tangible personal property may be excluded from sales of services when the repaired property is delivered to the customer in another state by common carrier or the repair dealer's own
LOUISIANA

vehicle; however, as to aircraft, delivery may be by the best available means.

References: (Revised Statute 47:301(14)(g))

Exemptions 2: - No

Taxable services shall include the furnishing of repairs to tangible personal property including, but not restricted to, the repair and servicing or automobiles and other vehicles. Repair labor to aircraft is taxable under this statute.

References: (Revised Statute 47:301)

AIRCRAFT REGISTRATION FEES -- No

PERSONAL PROPERTY TAX -- Yes

1) Airplanes and helicopters, except those owned by a company engaged in the business of transporting passengers and/or cargo for hire on regularly scheduled flights, which are assessed as public service companies, are subject to valuation and assessment by parish assessors.

2) Antique aircraft, those manufactured at least 25 years ago and not being used in commerce are exempt from personal property taxes.

3) Additionally, any aircraft weighing less than 6,000 pounds, which is owned by a private individual and not used for commercial purposes, is also exempt.

4) Crop dusting airplanes used exclusive for agricultural purposes are exempt from personal property taxes.

References: (Title 61, Part IV, Chapter 15 Section 1501(a), Revised Statute 47:6001 & 47:1707)

JET FUEL TAX Revised Statute 47:302

Excise Tax = No
Sales Tax = 4.000%

Exemptions = The Federal government, state and local governments, and the U.S. Military are exempt from the sales tax. Inspection fee of $0.00125 per gallon.

AVIATION GASOLINE TAX (Revised Statute 47:302)

Excise Tax = $0.2000
Sales Tax = 4.000%

Exemptions = The Federal government, state and local governments, and the U.S. Military are exempt from the sales tax. Aviation gasoline commonly used for propelling aircraft is exempt from the excise tax. (Revised Statute 47:716.1) Inspection fee of $0.00125 per gallon

STATE AVIATION TRUST FUND -- Yes

Dedication of Taxes

<table>
<thead>
<tr>
<th>Tax</th>
<th>Dedication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jet Fuel</td>
<td>No</td>
</tr>
<tr>
<td>Aviation Gasoline</td>
<td>Yes</td>
</tr>
<tr>
<td>Aircraft Registration Fee</td>
<td>N/A</td>
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<tr>
<td>Personal Property Tax</td>
<td>No</td>
</tr>
<tr>
<td>Sales Taxes</td>
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LOUISIANA

CONTACT INFORMATION
Department of Revenue
Ned Gauthier, Director
Sales Tax Division
TEL: 225-219-2221
Web Site: revenue.louisiana.gov

Department of Transportation
Brad Brandt, Acting Director
Aviation Division
TEL: 225-379-3040
Web Site: www.dotd.louisiana.gov/intermodal/aviation
Email: brad.brandt@la.gov
SALES/USE TAXES -- Yes  LOCAL TAXES -- Yes

SALES:
5.75%. Effective September 1, 2013 the state sales/use tax rate will decrease to 5.75%. This tax is on each retail sale made in the State. In addition there are local taxes that range from .25% to 2.5%.

Effective September 1, 2013 the State Sales/Use tax rate will increase from 5.5% to 5.75%.
References: (Sec 5739.025, HB 66)

Possible Exemptions

Common Carrier: - LTD
Airlines that operate over regular route, offer their services to the general public, publish schedules and provide regular service, are exempt as they are considered to be rendering a public utility service.
References: (Sec 5739.01(P) and TWA vs Porterfield 5/13/70 & USAir, Inc. vs Tracy 9/6/96)

Casual/Occasional Sales: - Yes
Casual sales of tangible personal property which was obtained by the person making the sale, through purchase or otherwise, for the person's own use in this state and which was previously subject to "any" (9/29/00) state's taxing jurisdiction on its sale or use is exempt from the tax.
References: (Sec 5739.01(L))

Related Entity: - No
All transactions in which all of the shares of stock of a closely held corporation are transferred, if the corporation is not engaging in business and its entire assets consist of boats, planes, motor vehicles or other tangible personal property operated primarily for the use and enjoyment of the shareholders is a sale subject to tax.
References: (Sec 5739.01(B)(6))

Fly Away Exemption: - No
When tangible personal property is sold within the state and the vendor is obligated to deliver it to a point outside the state, or to deliver it to a carrier or to the mails for transportation to a point outside of the State, the Ohio Sales Tax does not apply. However, where tangible personal property pursuant to a sale is delivered in this State, the sales tax applies notwithstanding that the buyer may subsequently transport the property out of the State.
References: (Sec 5703-9-39)

Trade In Allowance: - No
In the case of a sale of any new motor vehicle, defined under 4517.01, by a new motor vehicle dealer, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the meaning as in division 5739.01(H)(1), reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade. However, aircraft "do not" fall under the definition of "motor vehicle".
References: (Sec 5739(H)(2))

Credit for Tax Paid: - Yes
Tangible personal property or services rendered, upon which taxes have been paid to another jurisdiction to the extent of the amount of the tax paid to such other jurisdiction. Where the amount of the tax imposed by this section and imposed pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code exceeds the amount paid to another jurisdiction, the difference shall be allocated between the tax imposed by this section
OHIO

and any tax imposed by a county or a transit authority pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion to the respective rates of such taxes.

References: (Sec 5741.02(5))

Other:
The sales tax on fractional shares of aircraft is capped at a maximum of $800 on each fractional share. "Fractional Aircraft Ownership Program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least 100 airworthy aircraft are operated in the program and the program meets all of the criteria under 5739.01(KKK).

Effective June 24, 2008 - Sales of full flight simulators that are used for pilot of flight crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators are exempt from the state sales/use taxes. "Full Flight Simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.

References: (5739.02(KKK) & 5739.02(50))

RESALE/LESSOR: - No
5.75%, plus local.

Effective February 1, 2002 the sales tax on aircraft leases is computed and paid at the beginning of the lease rather than on the monthly payments.

A lease where the lessee is not obligated to accept ownership is not a conditional sale and the tax must be collected on each installment paid for the use of the tangible personal property. If the retail sale consists of the rental or lease of tangible personal property, "price" means the aggregate value in money of anything paid or delivered or promised to be paid or delivered in the complete performance of the rental or lease without any deduction for tax, interest, labor or service charge, damage liability waiver, etc. after the lease is consummated, or any other expense. The sales tax shall be calculated and collected by the lessor on each payment made by the lessee.

References: (Sec 5939.01(E)(1) and Sec 5703-9-17 OAC & Sec 5739.01(H))

RESALE/DEALER: - Yes
"Retail sale" and "sales at retail" include all sales, except those in which the purpose of the consumer is to resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person.

References: (ORC 5739.01(E))

PARTS:
5.75%. Plus local taxes.

Exemptions 1: - Yes
Parts & services used in repairing and maintaining aircraft with fractional share ownership (private aircraft
OHIO

whose ownership is shared by a group of people) are exempt.

References: (5739.02(B)(49))

Exemptions 2: - Yes

Effective June 24, 2008 - Sales of materials, parts, equipment or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement or maintenance services (at a Federal Aviation Administration certified repair station - effective 2/1/09 this will no longer be required) in this state performed on aircraft or on an aircraft's avionics, engine or component materials or parts are exempt from the states sales tax. As used in division (B)(49) of this section, "aircraft" means aircraft of more than 6,000 pounds maximum certified takeoff weight or used exclusively in general aviation.

LABOR:
5.75%. plus local taxes.

Exemptions 1: - Yes

Effective June 24, 2008 - Sales of materials, parts, equipment or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement or maintenance services (at a Federal Aviation Administration certified repair station - effective 2/1/09 this will no longer be required) in this state performed on aircraft or on an aircraft's avionics, engine or component materials or parts are exempt from the states sales tax. As used in division (B)(49) of this section, "aircraft" means aircraft of more than 6,000 pounds maximum certified takeoff weight or used exclusively in general aviation.

References: (Sec 5739.01(B)(3)(a)(b) & 5939.02(B)(49))

AIRCRAFT REGISTRATION FEES -- Yes

There is an aircraft registration fee -

$15 per aircraft for gliders & balloons; and
$15 per seat for all other aircraft (based on the manufacturers maximum listed seating capacity)

There are certain exemptions from the aircraft registration fees, such as
1) Aircraft owned by a non-resident;
2) Aircraft operated for hire over regularly schedule routes within the state; and
3) Aircraft operated under a certificate of convenience and necessity issued by the Civil Aeronautics Board

References: (Sec 4561.18 & 4561.17)

PERSONAL PROPERTY TAX -- No

The aircraft registration fee is charged in lieu of the personal property tax; however, the personal property tax may be due upon failure to pay aircraft registration fees.

JET FUEL TAX Section 5739.02 and 5735.05(A)(7)

Excise Tax = No
Sales Tax = 5.750%

Exemptions = The Federal government, state and local governments, the U.S. Military, commercial operations (scheduled airlines), agricultural operations and charitable flight operations are exempt from the sales tax.
AVIATION GASOLINE TAX (Sec 5739.02 and 5735.05(A)(7))

Excise Tax = No
Sales Tax = 5.750%
Exemptions = The Federal government, state and local governments, the U.S. Military, agricultural operations and charitable flight operations are exempt from the sales tax.

STATE AVIATION TRUST FUND -- Yes

Dedication of Taxes
Jet Fuel No
Aviation Gasoline No
Aircraft Registration Fee Yes
Personal Property Tax N/A
Sales Taxes No

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James Bryant, Administrator
Office of Aviation
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Web Site: www.dot.state.oh.us/aviation
Email:james.bryant@dot.state.oh.us
TENNESSEE

SALES/USE TAXES -- Yes  LOCAL TAXES -- Yes

SALES:
7%. (Local Taxes 1.5% - 2.75%) Effective July 15, 2002 the State sales and use tax increased to 7%. For the exercise of the privilege of engaging in the business of selling tangible personal property at retail in this state, a tax is levied on the sales price of each item or article of tangible personal property when sold at retail in this state; the tax is to be computed on gross sales for the purpose of remitting the amount of tax due the state and is to include each and every retail sale. The tax shall be levied at the rate of 7 percent (7%).
References: (TN Code Section 67-6-202 & 67-6-203)

Possible Exemptions

Common Carrier: - Yes
There shall be exempt from sales or use tax, the sale, use, storage or consumption of aircraft owned or leased by commercial interstate or international air carriers, and parts, accessories, materials and supplies sold to or used by commercial interstate or international air carriers for use exclusively in servicing and maintaining such carriers' aircraft, which aircraft are used principally in interstate or international commerce. This exemption shall not apply to fuel and other petroleum products or to shop equipment and tools.
References: (TN Code 67-6-302(a))

Casual/Occasional Sales: - No
Casual or isolated sales of aircraft are not exempt from the tax.
References: (TN Code 67-6-102(6)(B))

Related Entity: - Yes
"Business" includes occasional and isolated sales or transactions of aircraft, vessels, or motor vehicles between corporations and their members or stockholders and also includes such transactions caused by the merger, consolidation, or reorganization of corporations. "Business" also includes occasional and isolated sales or transactions of aircraft, vessels, or motor vehicles between partnerships and the partners thereof and transfers between separate partnerships. Transfers caused by the dissolution of a partnership due solely to a partner, in a partnership composed of three (3) or more persons, voluntarily ceasing to be associated in the carrying on of business of the partnership, as provided in § 61-1-128 [repealed], is not included in "business." "Business" shall be construed to include occasional and isolated sales or transactions by such a person involving aircraft, vessels or motor vehicles, which terms include trailers and special motor equipment sold in conjunction therewith, as defined by and required to be registered under the laws of Tennessee with an agency of the federal government, unless such sales or transactions are otherwise exempt under this chapter or are sales between persons who are married, lineal relatives or spouses of lineal relatives, or siblings. Such sales or transactions involving aircraft based in this state shall be presumed to be made and taxable in this state; and any registration reflecting such aircraft that are so based shall constitute evidence thereof;
References: (TCA 67-6-102(6)(C) & Ltr Ruling 02-14)

Fly Away Exemption: - Yes
Sales of helicopters or airplanes and related equipment within Tennessee to purchasers, who are not residents of the state, where such helicopter or airplane and related equipment are intended to have situs out of Tennessee, are in fact removed from Tennessee within 15 days from date of purchase, are exempt from the sales and use tax.
References: (TCA 67-6-313(h)(1)(8A) and Form F1403901)
TENNESSEE

Trade In Allowance: - Yes
Where used articles are taken in trade, or in a series of trades, as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference, that is the price of the new or used article sold less the credit for the used article taken in trade.
References: (TN Code 67-6-510)

Credit for Tax Paid: - Yes
Persons actually paying a legally imposed Sales or Use Tax to another State on tangible personal property or taxable services imported into this State may claim such payment as a credit against any Use Tax liability accruing in this State. The Commissioner may require persons claiming such credit to furnish the name of the vendor from whom he purchased the property, and an affidavit that such a tax has been paid.
References: (1320-5-1-.91(1))

Other:
There is exempt from the sales and use tax all repair services (including parts and labor) to equipment used in connection with helicopters or other aircraft owned by not-for-profit hospitals, government entities or other not-for-profit medical facilities used for the purpose of medical evacuation or transport. (TN Code 67-6-347 & 67-6-313)

Crop Dusting - Aircraft designed and used for crop dusting are exempt from sales/use taxes. (67-6-207/(a)(3) & 67-6-301)

Flight Training - Aircraft used for and owned by a person providing flight training; 67-6-329(a)(17)

RESALE/LESSOR: - Yes
7%, plus local taxes.

Tangible personal property sold to be used exclusively for renting or leasing may be sold upon a resale certificate.

Leases where the owner does not furnish the crew or operator, but merely rents the property, and the lessee operates the property personally for a stated consideration or price, the sales or use tax would apply as the lessee has possession, use and control of the property.
References: (TN Reg 1320-5-1.32(3) & TN Code 67-6-204)

RESALE/DEALER: - Yes
Any person conducting business as a dealer or providing taxable property or services must register with the Department of Revenue.

References: (Sec 67-6-6-1 TCA)

PARTS:
7%. Plus appropriate local rate.

Exemptions 1: - Yes
1) There shall be exempt from sales or use tax, parts, accessories, materials and supplies sold to or used by commercial interstate or international air carriers for use exclusively in servicing and maintaining such carriers' aircraft, which aircraft are used principally in interstate or international commerce. This exemption shall not
TENNESSEE

apply to fuel and other petroleum products or to shop equipment and tools.
References: (TN Code 67-6-302(a) & TN Code 67-6-313(h)(1)(B)&(C))

Exemptions 2: - Yes

Aircraft repaired in Tennessee and removed from the state within 15 days after repairs are completed, are exempt.
References: (TN Code 67-6-313(h)(1)(B)&(C))

LABOR:
7%. Plus appropriate local rate.

Exemptions 1: - Yes

1) Repair and refurbishment services within Tennessee with respect to helicopters, airplane, helicopter and airplane components and parts which have their situs outside of TN and are removed from TN within 15 days from the completion of such repair services, are exempt from sales and use taxes.
References: (TN Code 67-6-313(h)(1)(B)&(C))

Exemptions 2: - Yes

2) There shall be exempt from the sales and use tax on all "repair service labor" performed with respect to "air engine equipment" and "aircraft mainframes" where the repair services on such "aircraft engine equipment" or "aircraft mainframes" are initiated, performed or completed in repair facilities within TN.
References: (TN Code 67-6-313(c)(1))

AIRCRAFT REGISTRATION FEES – No

PERSONAL PROPERTY TAX -- Yes
There is a tangible personal property tax on aircraft held for business use. Property is classified on its use and statutory assessment percentages are applied to the appraised values as follows:

Residential Property - 25%
Farm Property - 25%
Commercial & Industrial Property - 40%
Public Utility Property - 55%
Business Personal Property - 30%

The appraised value is multiplied by the assessment ratio and this is multiplied by the tax rate set by the county commission at a rate per $100 of assessed value. The rates range from a low of $1.40 to a high of $6.31.

Corporate aircraft valued at $5,000,000
Based in Knoxville, TN

$5,000,000 x .30 = $1,500,000
$1,500,000 /100 = $15,000 x $6.17 = $92,550 per year
References: (Division of Property Assessments TN Code 67-5-903)
TENNESSEE

JET FUEL TAX  TN Code 67-6-217(a) & 67-3-409
Excise Tax = $0.0100
Sales Tax = 4.500%
Exemptions = Plus an environmental assurance fee of $0.004. (TN Code 68-5-110)
The Federal government, state and local governments and the U.S. Military are exempt from the sales tax.

AVIATION GASOLINE TAX (TN Code 67-6-217(a), 67-3-409 & 67-4-2701)
Excise Tax = $0.0100
Sales Tax = 4.500%
Exemptions = Plus an environmental assurance fee of $0.004. (TN Code 68-5-110)
The Federal government, state and local governments and the U.S. Military are exempt from the sales tax.
Effective 7/1/2015 the 4.5% sales tax will be replaced with a 4.5% privilege tax.

STATE AVIATION TRUST FUND -- Yes
Dedication of Taxes
Jet Fuel Yes
Aviation Gasoline Yes
Aircraft Registration Fee N/A
Personal Property Tax No
Sales Taxes No

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TEXAS

SALES/USE TAXES -- Yes    LOCAL TAXES -- Yes

SALES:
6.25%. The state sales tax rate is 6.25%. Additionally, there are local sales and use taxes imposed by local jurisdictions, including cities, counties, special purpose districts and transit authorities. Generally the combined local rate cannot exceed 2 percent, making 8.25 percent the highest possible rate.

LEGISLATIVE ACTIVITY - On November 5, 2013 Texas voters will vote on Proposition 3 that would extend the length of time aircraft parts and inventory can be stored in Texas without being subjected to an ad valorem tax.

References: (Admin Code 3.302)

Possible Exemptions

Common Carrier: - Yes
1) An aircraft sold to a person using the aircraft as a certificated or licensed carrier of persons or property is exempt from the state sales tax.
2) If an aircraft is hangared outside the state and it is used more than 50% of the time outside of the state, the aircraft is not subject to use tax.

References: (Tax Code Sec 151.328(a)(1) & 34 TAC 3.297(a)(1) and 34 TAC 3.297(c)(3) and Form 01-339)

Casual/Occasional Sales: - Yes
1) The "occasional sale" of one or two sales of taxable items during a 12 month period by a person who does not engage, or hold himself out as engaging in the business of selling taxable items, is exempt from the sales tax. However, this exemption is not available to a person who holds a sales, use, direct payment or maquiladora permit.
2) If an interest in tangible personal property is sold, under the terms of of a good faith, bona fide contractual relationship, to another person who either before or after the sale owned or owns a joint or undivided interest in the property with the seller, and if the taxes imposed by this chapter have previously been paid on the tangible personal property, the tangible personal property is exempted from the taxes imposed by this chapter.

References: (Tax Code Sec 151.304 & 151.306, TAC 3.316(b) & Form 01-917)

Related Entity: - Yes
The sale of the entire operating assets of a business or a separate division, branch, or identifiable segment of a business and a transfer of all or substantially all the property used by a person in the course of an activity if after the transfer the real or ultimate ownership of the property is substantially similar to that which existed before the transfer, are exempt from the tax.

References: (Tax Code Sec 151.304)

Fly Away Exemption: - Yes
An aircraft sold to an entity for use and registration in another state and the first use of the aircraft is its transportation out of the state, is exempt from the tax.

References: (Tax Code Sec 151.328(a)(4) & TAC 3.297(c)(9) and Form 01-907)

Trade In Allowance: - Yes
Sales price does not include the value of personal property that is taken by a seller in trade as all or a part of the consideration for sale of a taxable item, if separately identified to the customer by an invoice, billing, sales slip, ticket or contract.
TEXAS

References: (Tax Code Sec 151.007(c)(5))

Credit for Tax Paid: - Yes
Credit is allowed against the use tax liability to the extent that a similar sales or use tax was legally due and paid to another state under the conditions provided in Tax Code, Chapter 141 and Chapter 151, §151.303. See §3.338 of this title (relating to Multistate Tax Credits and Allowance of Credit for Tax Paid to Suppliers).
References: (34 TAC 3.346(d)(5))

Other:
AGRICULTURAL AIRCRAFT EXEMPTIONS - Effective 9/1/2009
Senate Bill 958 amends Tax Code Section 151.328 relating to aircraft exemptions by adding Section (a)(5). Section 151.328(a)(5) exempts the sale of aircraft for use exclusively in connection with agricultural use, as defined by Section 23.51 of the Property Tax Code, used for:
(A) predator control;
(B) wildlife or livestock capture
(C) wildlife or livestock surveys
(D) census counts of wildlife of livestock;
(E) animal or plant health inspection services, or
(F) crop dusting, pollination or seeding.
For purposes of this exemption, an aircraft is considered to be used exclusively in connection with an agricultural use if at least 95% of the use of the aircraft is for the identified activities.

IDENTIFIABLE SEGMENT - Effective December 1, 2006 "...If the method of transfer(s) of an aircraft, or other tangible personal property, does not have a business purpose other than tax avoidance, then the transitory entity should be ignored and use tax should be assessed accordingly. This analysis will be applied to all such transactions that have not been completed, meaning the taxable item has not actually been brought into Texas for use as of December 1, 2006. Document 9502L1333G03 on the STAR system, and any similar documents, are superseded accordingly." (Accession Number - 200611755L)
References: (Tax Code Section 151.328 and Section 23.52 of the Property Tax Code.)

RESALE/LESSOR: - Yes
6.25%, plus local taxes.
A purchaser must give a resale certificate & have a sales tax permit to purchase the aircraft tax fee and if the purchaser intends to sell, lease, or rent it in the regular course of business or transfer it as an integral part of a taxable service performed in the regular course of business. The tax is either due on the lease payments or on the sales price of the aircraft, unless another exemption applies.
The Texas Comptroller's office currently takes the position that a lease between related parties is not "in the normal course of business" unless the monthly lease or rental income is approximately 1% of the aircraft cost.
References: (Rule 3.294(c)(3), 3.297 & Form 01-339)

RESALE/DEALER: - Yes
6.25%, plus local taxes.
A purchaser must give a resale certificate & have a sales tax permit to purchase the aircraft tax fee and if the purchaser intends to sell, lease, or rent it in the regular course of business or transfer it as an integral part of a taxable service performed in the regular course of business. The tax is due on the lease payments.
TEXAS

References: (Tax Code Sec 151.151 & Form 01-339)

PARTS:
6.25%. plus local taxes.

Exemptions 1: - Yes
Machinery, tools, supplies and equipment used or consumed exclusively in the repair, remodeling or maintenance of aircraft, aircraft engines or aircraft component parts by or on behalf of a person using the aircraft as a certificated or licensed carrier of persons or property or a person who uses the aircraft for the purpose of providing flight instruction are exempted from the taxes imposed by this chapter.
References: (Tax Code Sec 151.328(d) and TAC 3.292 & 3.297)

Exemptions 2: - Yes
Tangible personal property that is permanently affixed or attached as a component part of an aircraft owned or operated by a person using the aircraft as a certificated or licensed carrier of persons or property or a person who uses the aircraft for the purpose of providing flight instruction, or that is necessary for the normal operations of the aircraft and is pumped, poured or otherwise placed in the aircraft, is exempted from the taxes imposed by this chapter.
References: (Tax Code Section 151.328(e))

LABOR:
6.25%. plus local taxes.

Exemptions 1: - Yes
Repair, remodeling and maintenance services to aircraft, including an engine or other component part of aircraft operated by a person using the aircraft as a certificated or licensed carrier of persons or property or a person who uses the aircraft for the purpose of providing flight instruction or a person for use exclusively in connection with an agricultural use are exempted from the taxes imposed by this chapter.
References: (Tax Code Sec 151.328(b) & 151.0101(a)(5)(A) and Sec 3.292)

AIRCRAFT REGISTRATION FEES -- No

PERSONAL PROPERTY TAX -- Yes
A person is entitled to an exemption from taxation of all tangible personal property, other than manufactured homes, that the person owns and that is not held or used for the production of income.

Sec. 21.055. Business aircraft-
(a) If an aircraft is used for a business purpose of the owner, is taxable by a taxing unit, and is used continually outside this state, whether regularly or irregularly, the appraisal office shall allocate to this state the portion of the fair market value of the aircraft that fairly reflects its use in this state. The appraisal office shall not allocate to this state the portion of the total market value of the aircraft that fairly reflects its use beyond the boundaries of this state.
(b) The allocable portion of the total fair market value of an aircraft described by Subsection (a) is presumed to be the fair market value of the aircraft multiplied by a fraction, the numerator of which is the number of departures by the aircraft from a location in this state during the year preceding the tax year and the denominator of which is the total number of departures by the aircraft from all locations during the year preceding the tax year.
Aircraft has a total number of 200 departures, with 100 being from within Texas
Aircraft Value = $5,000,000
Property tax ratio = 2.5%
Assessed Value = FMV times Ratio
Taxes to be Paid = Assessed value times Tax Rate
$5,000,000 x 100/200 = $2,500,000
$2,500,000 x .025 = $62,600 PPT

Sec. 21.05. Commercial aircraft-
(a) If a commercial aircraft that is taxable by a taxing unit is used both in this state and outside this state, the appraisal office shall allocate to this state the portion of the fair market value of the aircraft that fairly reflects its use in this state. The appraisal office shall not allocate to the state the portion of the total market value of the aircraft that fairly reflects its use beyond the boundaries of this state.
(b) The allocable portion of the total fair market value of a commercial aircraft that is taxable in this state is presumed to be the fair market value of the aircraft multiplied by a fraction, the numerator of which is the product of 1.5 and the number of revenue departures by the aircraft from Texas during the year preceding the tax year, and the denominator of which is the greater of (1) 8,760, or (2) the numerator.

Same assumptions as above
$5,000,000 x 1.5(100)/8760 = $85,616.44
$85,616.44 x .025 = $2,140.41

References: (Tax Code Sec 11.14 & Tax Code Sec 21.05 and 21.055)

JET FUEL TAX
Excise Tax = No
Sales Tax = No
Exemptions = N/A

AVIATION GASOLINE TAX
Excise Tax = No
Sales Tax = No
Exemptions = N/A

STATE AVIATION TRUST FUND -- No

Dedication of Taxes
Jet Fuel N/A
Aviation Gasoline N/A
Aircraft Registration Fee N/A
Personal Property Tax No
Sales Taxes No
TEXAS

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WASHINGTON

SALES/USE TAXES -- Yes LOCAL TAXES -- Yes

SALES:
6.50%. Plus local taxes ranging from 5% to 3%. There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

Effective January 1, 2014, the sale of large private airplanes to nonresidents is exempt from sales and use tax. Charges for labor and services rendered in regards to repairing, cleaning, altering, or improving these planes are also exempt. The exemption only applies if the airplane is not required to be registered with the department of transportation. A "large private airplane" is an airplane not used in interstate commerce, not owned or leased by a government entity; weighing more than 41,000 pounds; and assigned a category A, B, C, or D test flow management system aircraft weight class by the Federal Aviation Administration. The exemption expires July 1, 2021. (SB5882)

References: (RCW 82.08.020 and 82.14.030)

Possible Exemptions

Common Carrier: - LTD
The tax does not apply to sales of aircraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or airplanes sold to the US government. According to the Exemption Certificate this exemption only applies if the common carrier purchases the aircraft.

References: (RCW 82.08.0262 and WAC 458-20-175)

Casual/Occasional Sales: - LTD
Casual and isolated sales of property or service are exempt from tax. However, if a person were engaged in a business activity taxable under Chapters 82.04 or 82.16 then the tax would apply.

References: (RCW 82.08.0251)

Related Entity: - Yes
A transfer of capital assets to or by a business is deemed not taxable to the extent the transfer is accomplished through an adjustment of the beneficial interest in the business. The burden is upon the taxpayer to establish the facts concerning the adjustment of the beneficial interest in the business when an exemption is claimed.

References: (WAC 458-28-106 & Rule 106)

Fly Away Exemption: - LTD
The tax does not apply to sales to non-residents of tangible personal property for use outside the state when the purchaser is a bonafide resident of a state or possession other than the State of Washington and such state does not impose a retail sales or use tax of 3 percent or more. As of June 1, 2003 only residents of following states qualify: Alaska, Colorado, Delaware, Montana, New Hampshire & Oregon.

References: (RCW 82.08.0273 and Excise tax Advisory #2014.08.193)

Trade In Allowance: - Yes
The trade-in value of like kind is not included in the selling price.

References: (RCW 82.08.010)

RESALE/LESSOR: - Yes
6.5%, plus local taxes.
WASHINGTON

In the case of installment sales and leases of personal property, the Department of Revenue, by regulation, may provide for the collection of taxes upon the installments of the purchase price or amount of rental, as of the time the same fall due.

References: (RCW 82.08.090)

RESALE/DEALER: - Yes
If a buyer is normally engaged in both consuming and reselling certain types of articles of tangible personal property and is not able to determine at the time of purchase whether the particular property acquired will be consumed or resold, the buyer may use a resale certificate for the entire purchase.

References: (RCW 82.08.130 & Rule 211 & WAC 45-20-102)

PARTS:
6.50%. Plus local taxes.

Exemptions 1: - Yes
The tax does not apply to sales of tangible personal property that becomes a component part of aircraft exempt under the common carrier exemption, in the course of constructing, repairing, cleaning, altering or improving the same.

References: (RCW 82.08.0262)

LABOR:
6.50%. Plus local taxes.

Exemptions 1: - Yes
Charges for labor in the constructing, repairing, cleaning, altering or improving aircraft exempt under the common carrier exemption, are exempt from the tax.

References: (RCW 82.08.0262 & 80.04.050(2))

AIRCRAFT REGISTRATION FEES – Yes
Every aircraft shall be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars ($15) shall be charged for each such registration and each annual renewal thereof.

The aircraft registration fee is actually an Excise Tax based on the type of aircraft and which month the aircraft is registered in.

The amount of tax imposed by this chapter for each calendar year shall be as follows:

<table>
<thead>
<tr>
<th>TYPE OF AIRCRAFT</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single engine fixed wing</td>
<td>$50</td>
</tr>
<tr>
<td>Small multi-engine fixed wing</td>
<td>$65</td>
</tr>
<tr>
<td>Large multi-engine fixed wing</td>
<td>$80</td>
</tr>
<tr>
<td>Turboprop multi-engine fixed wing</td>
<td>$100</td>
</tr>
<tr>
<td>Turbojet multi-engine fixed wing</td>
<td>$125</td>
</tr>
<tr>
<td>Helicopter</td>
<td>$75</td>
</tr>
</tbody>
</table>
WASHINGTON

Sailplane $20
Lighter than air $20
Homebuilt $20

The amount of tax imposed under subsection (1) of this section for each calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month shall be levied for the remaining months of the calendar year, including the month in which the aircraft is being registered.

This chapter does not apply to:
82.48.100(1) Aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which are not engaged in carrying persons or property for commercial purposes;
82.48.100(2) Aircraft registered under the laws of a foreign country;
82.48.100(3) Aircraft which are owned by a nonresident and registered in another state. However, if any such aircraft remains in and/or is based in this state for a period of ninety days or longer it is not exempt under this section;
82.48.100(4) Aircraft engaged principally in commercial flying which constitutes interstate or foreign commerce; and aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;
82.48.100(5) Aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;
82.48.100(6) Aircraft owned by a nonresident of this state if the aircraft is kept at an airport in this state and that airport is jointly owned or operated by a municipal corporation or other governmental entity of this state and a municipal corporation or other governmental entity of another state, and the owner or operator of the aircraft provides the department with proof that the owner or operator has paid all taxes, license fees, and registration fees required by the state in which the owner or operator resides; and
82.48.100(7) Aircraft that are:
82.48.100(7)(a) Owned by a nonprofit organization that is exempt from federal income taxation under 26 U.S.C. Sec. 501(c)(3); and
82.48.100(7)(b) Exclusively used to provide emergency medical transportation services.
References: (RCW 82.48.100 & 82.48.030 and 4 RCW 47.68.250)

PERSONAL PROPERTY TAX -- No
Aircraft that are subject to the excise tax are exempt from the Personal Property Tax.

AIR CARRIER FINANCIAL RESPONSIBILITY -- Yes
PUBLIC UTILITY TAX - The department of revenue shall annually make an assessment of the operating property of all companies; and between the fifteenth day of March and the first day of July of each year shall prepare an assessment roll upon which it shall enter and assess the true and fair value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made.
References: (RCW 84.12.270)

JET FUEL TAX RCW 82.42.020, 82.42.030, WAC 308-78-045
Excise Tax = $0.1100
Sales Tax = 6.500%
Exemptions = Effective July 1, 2005 the fuel tax rate will go from 10 cents per gallon to 11 cents per gallon.
WASHINGTON

The Federal Government and the U.S. Military are exempt from both the sales tax and the excise tax.

The provision of RCW 82.42.020 imposing the payment of an excise tax on each gallon of aircraft fuel sold, delivered or used in this state shall not apply to aircraft fuel sold for export, nor to aircraft fuel used for the following purposes: (a) The operation of aircraft when such use is by any air carrier or supplemental air carrier operating under a certificate of public convenience and necessity under the provisions of the Federal Aviation Act of 1958, Public Law 85-726, as amended; (b) the operation of aircraft for testing or experimental purposes; (c) the operation of aircraft when such operation is for the training of crews in Washington state for purchasers of aircraft who are certified air carriers; and (d) the operation of aircraft in the operations of a local service commuter: PROVIDED, That the director's determination as to a particular activity for which aircraft fuel is used as being an exemption under this section, or otherwise, shall be final.

Commercial operations (certificated) are exempt from the excise tax, but operators must pay the sales tax based on the fuel burned over the state. Agricultural operations and flight-testing are entitled to a refund of the excise tax.

AVIATION GASOLINE TAX (RCW 82.42.020, 82.42.030, WAC 308-78-045)
Excise Tax = $0.1100
Sales Tax = 6.500%
Exemptions = Effective July 1, 2005 the fuel tax will increase from 10 cents per gallon to 11 cents per gallon.

The Federal government and the U.S. Military are exempt from both the excise tax and the sales tax. Agricultural operations and flight-testing are entitled to a refund of the excise tax.

STATE AVIATION TRUST FUND -- Yes
Dedication of Taxes
Jet Fuel Yes, (Excise Tax)
Aviation Gasoline Yes, (Excise Tax)
Aircraft Registration Fee Yes, (100% of registration fee and 10% of excise tax.)
Personal Property Tax N/A
Sales Taxes No

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SALES/USE TAXES -- Yes    LOCAL TAXES -- Yes

SALES:
4%. There is levied and shall be paid by the purchaser on all sales an excise tax of 3 percent upon all events as provided by WS 39-15-103(a). Effective July 1, 1993, in addition to the sales tax under subsection (a) of this section, there is imposed an additional sales tax of 1 percent which shall be administered as if the sales tax rate under subsection (a) of this section was increased from 3 percent to 4 percent. Counties are entitled to impose a General and Special Option Tax that ranges from .5 percent to 2 percent. In addition, resort district areas have the option to impose an additional 1 percent tax.

References: (Sec 39-15-104)

Possible Exemptions

Common Carrier: - Yes
Sales of aircraft purchased by interstate air carriers which are holders of valid US Civil Aeronautics Board permits or authorities ... if they are to be substantially used in interstate commerce, are exempt. For purposes of exempting sales of services and tangible personal property, the following are exempt.

The sale or lease of any aircraft and the tangible personal property permanently affixed or attached as a component of the aircraft including, but not limited to, repair or replacement materials or parts, and the sale of all services used for aircraft repair, remodeling and maintenance services when the services are performed on aircraft, aircraft engine or aircraft component materials or parts, are exempt from the tax.


Casual/Occasional Sales: - No
There are no provisions in the Wyoming sales and use tax laws dealing with occasional sales of aircraft, therefore, there appears to be no exemption.

References: (Sec 39-15-105)

Related Entity: - Yes
"Sale" means the transfer of title or possession of tangible personal property from a vendor for a consideration for storage, use or other consumption in Wyoming, excluding the exchange or transfer of tangible personal property upon which the seller has directly or indirectly paid sales or use tax incidental to:
A) A division of partnership assets among the partners according to their interests in the partnership. As used in this subparagraph, "partnership" includes a limited partnership;
B) The formation of a corporation by the owners of a business and the transfer of their business assets to the corporation in exchange for all the corporation's outstanding stock, except qualifying shares, in proportion to assets contributed;
C) The transfer of assets of shareholders in the formation or dissolution of professional corporations; etc.

References: (Sec 39-15-101 & 39-16-101)

Fly Away Exemption: - No
Tangible personal property delivered by a vendor to a point outside the state, this transaction is not subject to tax.

References: (Sec 39-15-105(a))

Trade In Allowance: - Yes
"Sales price" means the consideration paid by the purchaser of tangible personal property excluding the actual trade-in value allowed on tangible personal property.
WYOMING

References: (Sec 39-15-101(a)(vi))

Credit for Tax Paid: - Yes
Credit for Sales or Use Tax Payments Made to Another State. The Department shall allow credit for sales or use tax legally imposed and paid to another state on a purchase equal to but not exceeding the Wyoming use tax liability on that purchase. Claims for the off-setting credit shall be substantiated with copies of invoices showing sales or use tax paid. Off-setting credits can only be used within statutory time frames.
References: (Section 4(i)(iii))

RESALE/LESSOR: - Yes
4%, plus local taxes.

The gross rental paid for the lease or contract transferring possession of tangible personal property if the transfer of possession would be taxable if a sale occurred is subject to tax. Lease of an aircraft without a crew is subject to the use tax. The sales price paid to carriers for intrastate transportation of passengers is subject to the state use tax as well.

RESALE/DEALER: - Yes
Tangible personal property sold by any person for delivery in this state is deemed sold for storage, use or consumption herein and is subject to the tax imposed by this article unless the person selling the property has received from the purchaser a signed certificate stating the property was purchased for resale and showing his name and address.
References: (See 39-16-103(a)(ii))

PARTS:
4%. Plus local taxes.

Exemptions 1: - Yes
The sale of lease of any aircraft and the tangible personal property permanently affixed or attached as a component of the aircraft including, but not limited to, repair or replacement materials or parts, and the sale of all services used for aircraft repair, remodeling and maintenance services when the services are performed on aircraft, aircraft engine or aircraft component parts or materials are exempt from the tax. For purposes of this subparagraph, "aircraft" means aircraft used in a scheduled interstate FAA air carrier operation.
References: (39-15-105(a)(viii)(J))

LABOR:
4%. Plus local taxes.

Exemptions 1: - Yes
The sale or lease of any aircraft and the tangible personal property permanently affixed or attached as a component part of the aircraft, including, but not limited to, repair or replacement parts or materials, and the sale of all services used for aircraft repair, remodeling and maintenance services when the services are performed on an aircraft, aircraft engine or aircraft component materials or parts, are exempt from the tax. For purposes of this subparagraph, "aircraft" means aircraft used in a scheduled interstate FAA air carrier operation.
References: (39-15-105(a)(viii)(J))
WYOMING

AIRCRAFT REGISTRATION FEES -- No

PERSONAL PROPERTY TAX -- Yes
All property tax is based on the assessed value of the property. Property used for industrial purposes is assessed at 11.5% of its fair market value and personal property is assessed at 9.5%. The assessed value is then multiplied by a millage rate determined by the county in which the aircraft is based.

Airlines are subject to commercial assessment.

Aircraft used solely for personal use are exempt.
References: (39-13-103 & Wyoming Regulation Section 6)

JET FUEL TAX WS 39-17-104(b)(c)(d) & 39-15-105(a)(C)
Excise Tax = $0.0400
Sales Tax = No
Exemptions = As of 7/1/07 the tax rate is 4 cents per gallon

AVIATION GASOLINE TAX (WS 39-17-104(b0(c)(d) & 39-15-105(a)(C))
Excise Tax = $0.0400
Sales Tax = No
Exemptions = As of 7/1/07 the tax rate is 4 cents per gallon

STATE AVIATION TRUST FUND -- Yes

Dedication of Taxes
Jet Fuel Yes
Aviation Gasoline Yes
Aircraft Registration Fee N/A
Personal Property Tax No
Sales Taxes No

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