

Welcome to Arizona!



Arizona is one of the top 5 most complicated states when it comes to regulation surrounding sales and use tax.

- The name
- The statutes
- The broad definitions
- The narrow definitions
- The return



DEFINITION – TRANSACTION PRIVILEGE TAX (TPT)

Commonly referred to as "sales tax," TPT is tax on the retail sale of tangible personal property (TPP) AND services.



Retail Sale: a sale to the end user

End User: each state defines it differently

Special Case – in AZ, a MRRA contractor is an end user while a contractor providing modification generally is not.

Tangible: in AZ, something that can be perceived by the senses (touch, taste, sight, sound, or smell)

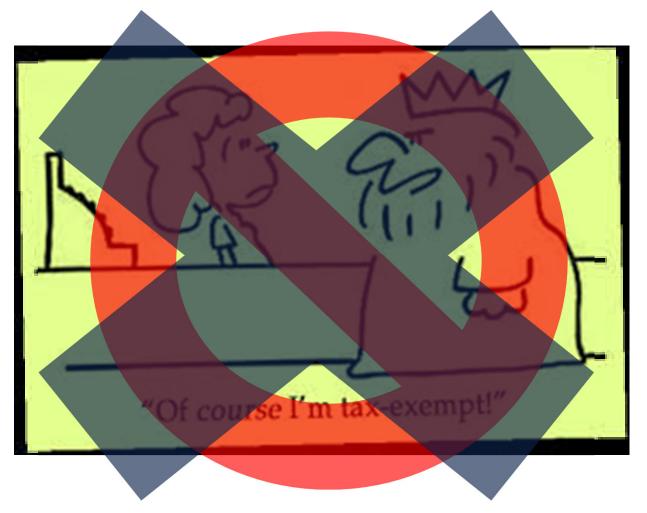
Special case – in AZ, software is tangible personal property regardless of delivery method.

Personal Property: not land or building or attached to land or building Special case – in AZ, counters in a bank, though attached, are personal property.

Services: intangible, cannot be stored or transported, come into existence at time of purchase



THE UNIVERSITY IS NOT EXEMPT FROM SALES/USE TAX!





THE "GENERAL" RULES

The University is <u>not</u> a non-profit organization and is <u>not</u> exempt from sales and use tax!!!

- Sales to a non-profit organization (University as vendor) Generally, taxable
- Sales by a non-profit organization (University as end user) Generally, exempt
- Goods Generally taxable unless specifically exempt

• Services

- Generally taxable unless specifically exempt as either:
- Professional and personal service occupations where transfers of TPP are inconsequential elements, OR

 i.e.: CPAs, lawyers
- Services rendered in addition to selling TPP at retail i.e.: delivery of TPP

Examples of taxable services include transportation, utilities, telecommunications, a photographer's services and amusements.





SALES TAX RATES

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

- AZ State portion 5.6%
- Pima County (varies by county) portion 0.5%
- Tucson (varies by city) City portion 0% when University is the seller
 The University is exempt from collecting city tax from its customers, but:
- Tucson (varies by city) City portion 2.6%-4.5% when University is the buyer
 - The University pays 2.6% to vendors retail, restaurants, communications, job printing, publication, rent of
 personal property and amusements
 - The University pays 2.6%-4.5% to vendors public utilities

• ADOR's rate tables: <u>https://azdor.gov/transaction-privilege-tax/tax-rate-table</u>





SALES TAX RATES - SUMMARY

Description	Tax % (when University selling)	Tax % (when University buying)
AZ State	5.60%	5.60%
Pima County *	0.50%	0.50%
Tucson City *	0%	2.6% - 4.5%
Total *	6.10%	8.70% - 10.60%

* These rates vary when buying or selling from or to different counties or cities/towns



UNIVERSITY AS A SELLER



We work together to properly collect and remit TPT.

Department's responsibilities:

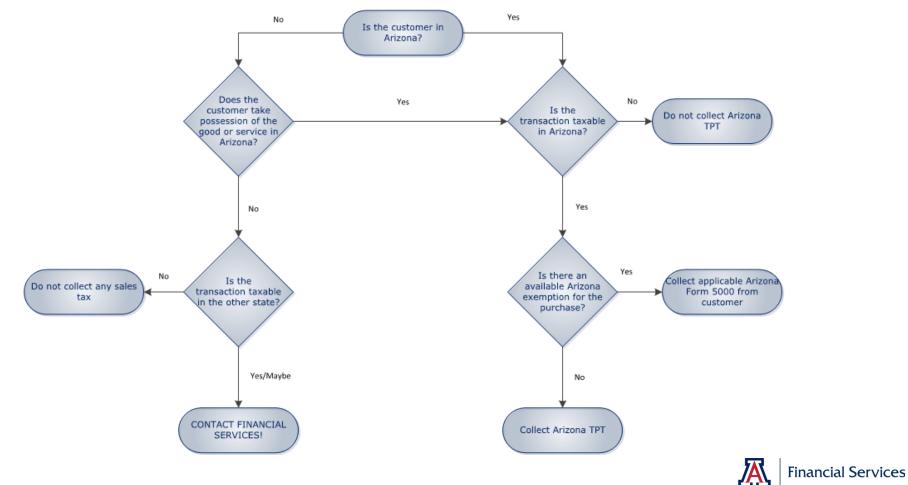
- Identify taxable sales for Arizona customers
- Collect and file customer's tax exemption certificates (Arizona Form 5000 or Form 5000A for resellers)
- Collect the correct tax
- Use proper taxable and non-taxable object codes (refer to Financial Services Manual 8.11 Sales Tax)
- Deposit revenue and tax in University accounts
- Maintain detailed records of sales activities

Financial Services' responsibilities:

- Prepare TPT return
- Remit tax receipts to the State of Arizona
- Provide guidance to Departments



UNIVERSITY AS A SELLER



DEFINITION – USE TAX



Use tax is a self-assessed tax on tangible personal property (TPP) used, stored, or consumed in Arizona where:

- The purchase is taxable in Arizona, and
- Sales tax, or equivalent, was not levied by the vendor
- Example:

Purchase of TPP shipped to Arizona from an out of state vendor who does not have an Arizona TPT license



USE TAX RATE



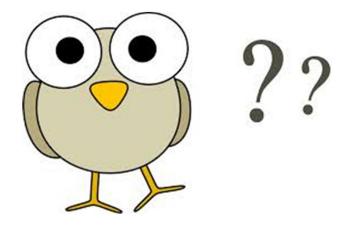
- AZ State 5.60%
- Counties generally do not impose use tax
- The University of Arizona is not subject to city tax



SALES OR USE TAX?

How do you know if it's sales tax or use tax, and does it make a difference?

- Sales and use tax are complementary
- Pay only sales tax or use tax
- Vendors charge and collect/remit sales tax
- Use tax is self assessed and remitted



Let's practice! Use tax or no use tax?

- Office supplies shipped to AZ from FL, vendor did not charge sales tax
- Cab fare receipt from MA, not sure if sales tax was charged
- Software accessed on a CA vendor's website, vendor did not charge sales tax
- Restaurant in AZ, vendor charged sales tax

- USE TAX
- NO USE TAX
- USE TAX
- NO USE TAX



WHAT IS SALES TAX NEXUS?

Factors that can create nexus:

- Renting or owning property
- Business presence in the state
 - Trade shows (except Nevada/ Florida)
- Presence of agents/contractors/employees
- # of transactions/ \$ sales thresholds

Consequence(s) of having nexus:

- Register as a retailer in that state
- Collect taxes (University wide)
- File returns (minimum 1 year)
- Remit payment to the state

Departmental responsibility:

- Talk with Financial Services before you plan to:
 - Travel out of state to make sales
 - Have a distributor or warehouse in another state

Nexus means connection, or linkage





TRAVEL OUT OF STATE



Oregon

Requirements to use a travel exemption:

- Pre-payment by the University directly
- Certificates and instructions in Financial Services Manual 14.72 Out-of-State Sales Tax Exemptions



NON-TAXABLE SERVICES IN ARIZONA

Professional/personal services where transfer of TPP is an inconsequential element

- Remember, many services are specifically taxable, such as:
 - Transportation, utilities, telecommunications, and photographer's services

Services rendered in addition to selling TPP at retail

- i.e.: Repair/maintenance and installation services, unless:
 - Taxable if not separately disclosed on invoice
 - Taxable if installation is to be attached to real property

Shipping services/freight charges, unless:

• Taxable if handling is included (Use object code 3880 for Shipping & Handling)

Warranty services/service contracts

• Be careful, if related to software or other tangible personal property, it MAY be taxable





NON-TAXABLE TANGIBLE PERSONAL PROPERTY IN ARIZONA



- Textbooks/required course materials purchased/sold by Campus Store
- Printed and other media materials made available to the public by University Libraries
- Medically prescribed drugs, equipment or devices
- Purchases for resale where tax will be collected at sale to end user (Use Arizona Form 5000A)
- Machinery and equipment, or chemicals used for research and development as defined for this purpose



NON-TAXABLE TRANSACTIONS IN ARIZONA

- Unprepared food for home (human) consumption
- Conference registration fees
- Professional membership dues
- Internet access



• Others as set forth in statutes ARS 42-5061 (sales tax) or ARS 42-5159 (use tax)

http://www.azleg.gov/arsDetail/?title=42



ARIZONA'S DEFINITON OF RESEARCH & DEVELOPMENT (R&D) USE

What it is:

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

What it isn't:

• Research and development do not include manufacturing quality control, routine consumer product testing, market research, sales promotion, sales service, research in social sciences or psychology, computer software research that is not included in the definition of research and development, or other non-technological activities or technical services.

What qualifies for R&D exemptions:

• ONLY machinery or equipment, and chemicals.

What doesn't qualify for R&D exemptions:

• Everything else. Expendable materials, supplies, hand tools, janitorial equipment or tools, office equipment, furniture, shops or buildings and vehicles are specifically taxable.



SOFTWARE QUALIFYING AS MACHINERY OR EQUIPMENT USED IN QUALIFYING R&D

In **specific cases**, software used in qualifying R&D can qualify as machinery or equipment for the purposes of a tax exemption. In cooperation with ADOR, these 4 examples of potentially exempt software were developed:

- Proprietary software required for machinery or equipment exempt for R&D use to function effectively, as intended, or at all.
- Software used to manage and/or control specific tasks conducted on machinery or equipment exempt for R&D use.
- Software used as the most efficient means to compile and process generated data to create information, and further, knowledge applicable within the context of the R&D performed.
- Software containing protocols, approved by the American Association for Laboratory Animal Science, outlining how the R&D complies with federal animal welfare regulations involving vertebrate animals utilized in research and development, and to ensure the responsible conduct of research. The software must be necessary to ensure adequate care and compliance with federal regulations for the animals.

Administrative software used in qualifying R&D is taxable. Software that manages labs, assists with scheduling or supply management, provides methods for researchers to request services, or is used in quality control, as well as any other use not described above, is taxable.

MACHINERY OR EQUIPMENT USED IN QUALIFYING R&D



- Must be 100% research use over the life of the asset
- Dollar amount is not a factor

• Machinery or equipment does not include:

- Expendable materials and supplies
- Office equipment, furniture or supplies
- Hand tools
- Janitorial equipment
- Licensed motor vehicles
- Shops, buildings, depots

• Taxable supplies can be identified by one or more of the following:

- Supplies wear out in the R&D process and/or are used up or consumed in use (regardless of cost or useful life)
- Supplies are by design and use expendable
- Supplies typically have a useful life of less than one year
- Supplies are often purchased in multiples (cases, packs, etc.)
- Supplies are more economical and/or likely to be replaced versus repaired





MACHINERY OR EQUIPMENT USED IN QUALIFYING R&D

- Recall, R&D for the purposes of a tax exemption does not include:
 - Research in the social sciences
 - Research in Psychology
 - Routine consumer product testing
 - Non-technological activities or technical services

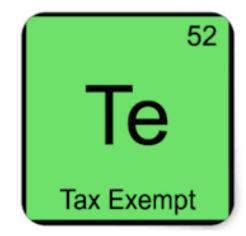


- PCs, laptops and portable devices are almost never exempt due to implied administrative function
- Repairs or replacement parts for qualifying R&D equipment are exempt
- Leases or rentals of qualifying R&D equipment are exempt
- ARS 42-5061(B)(15) is used to claim this exemption from sales tax
- ARS 42-5159(B)(15) is used to claim this exemption from use tax



CHEMICALS USED IN QUALIFYING R&D

- Chemicals used directly in qualifying R&D are tax exempt
- Exempt chemicals cannot be used or consumed in:
 - Packaging
 - Storage
 - Transportation
- The researcher most familiar with the item must determine whether it is a "chemical"
- ARS 42-5061(A)(38) is used to claim this exemption from sales tax
- ARS 42-5159(A)(35) is used to claim this exemption from use tax





SOFTWARE

Purchase of standard, pre-written or "canned" software:

• Almost never* exempt – In Arizona, software is taxable TPP, regardless of delivery method, except when:



*Acquisition of customized software:

- The software does not previously exist
- The software is designed exclusively to the specifications of a unique University application
- Not taxable as a purchase of professional/personal services where development is the consequential element
- Modification of standard software at installation does not make it custom
- Selection of specific modules and not others does not make standard software custom

*Acquisition (by a State community college or university) of remote software applications that either:

- Are designed to assess or test student learning, or
- Promote curriculum design and enhancement
- ARS 42-5061(A)(53) is used to claim this exemption from sales tax
- ARS 42-5159(A)(50) is used to claim this exemption from use tax



HARDWARE & SOFTWARE SERVICES



Services such as analysis, design, repair, and support engineering:

• Not taxable

Maintenance and warranty agreements for hardware and software:

- Generally, not taxable if:
 - Sold as a separate item, with
 - The price stated separately, and
 - Do not include tangible personal property (TPP) for no additional cost

Software maintenance agreement including automatic updates, upgrades, modification or revisions to standard software:

• As taxable as original acquisition of software



CLAIMING TAX EXEMPTION FROM A VENDOR



Vendors must document tax exempt transactions:

- Tax exemption certificates (Arizona Form 5000, or Arizona Form 5000A for resale purchases) are required and provide:
 - The University's Federal Tax ID (74-2652689), and
 - AZ TPT License Number (20221243), and
 - Claim of specific applicable exemption, and
 - Description of purchase, and
 - Signature of individual authorizing purchase

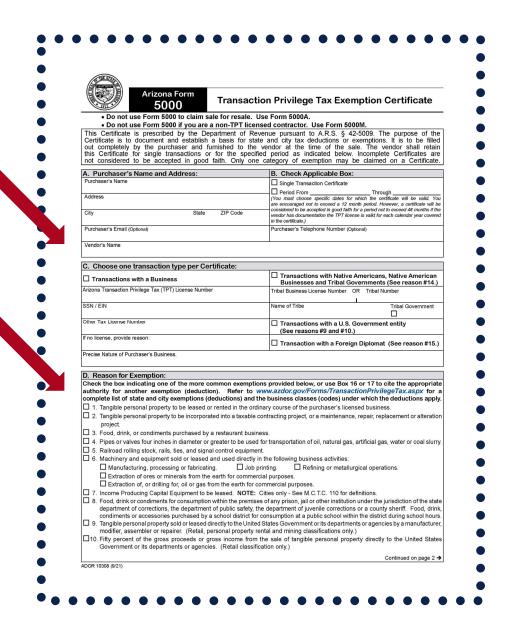
Requisition/Purchase Order exemption certificate process:

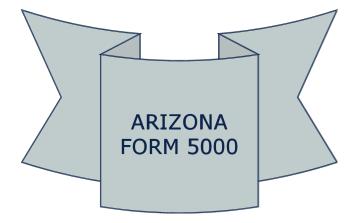
 Provided to vendor (prior to transaction) by PACS for a Requisition/Purchase Order where an applicable exemption is claimed and noted, and item types are selected as tax exempt

PCard exemption certificate process:

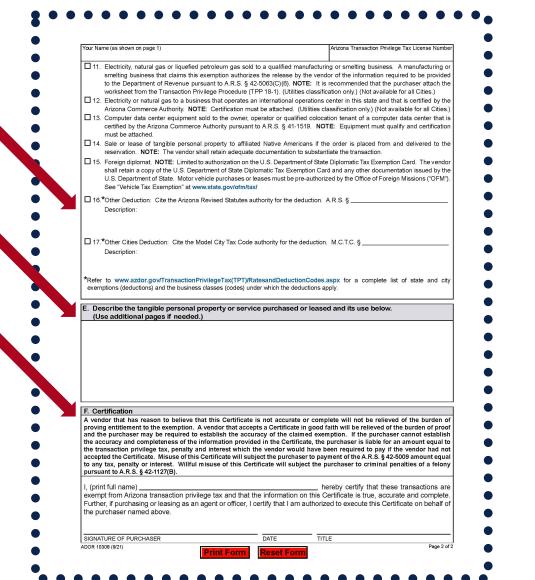
- Provided to vendor (prior to transaction) by the department for a PCard purchase
- Signed by departmental individual who authorizes or attests to the applicable exemption
- Certificates and instructions are located on the <u>Financial Services Tax Services Sales Tax Exemption Certificates</u> webpage.







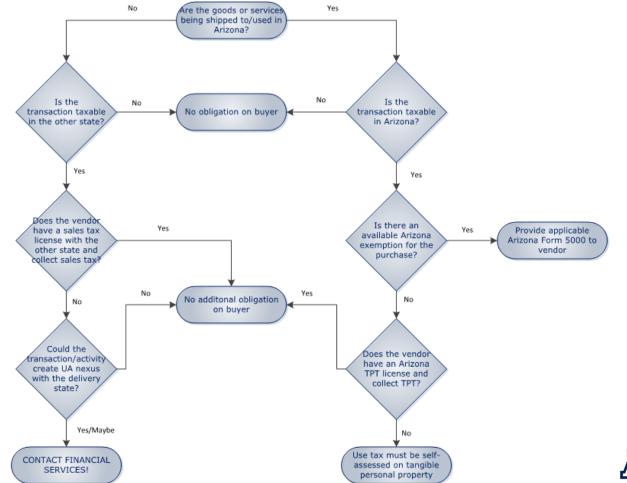








UNIVERSITY AS A BUYER





PCDOS, USE TAX AND THE "TAX EXEMPT INDICATOR"

Transaction Total Amount :	675.00
Sales Tax Amount :	0.00
Enter Sales Tax :	
Tax Exempt Indicator :	

PCard Reconciliation Fields :

- The first two fields are controlled by the vendor's processing system and cannot be adjusted
- The Sales Tax Amount may not be accurate
- Entering accurate sales tax (and notes) can provide clarity for future reviewers or auditors
- The last two fields control automatic use tax application



PCard reconcilers can avoid erroneous automatic assessments of use tax with timely reconciliation, and by:

- Entering the sales tax amount in the "Enter Sales Tax" field when sales tax is charged by the vendor, or
- Checking the "Tax Exempt Indicator" box in UAccess Financials when the transaction is sales or use tax exempt, or
- Checking the "Tax Exempt Indicator" box in UAccess Financials when sales tax is charged but the total amount cannot be easily identified
 - Taxes are typically included in the total price for airline tickets, hotels and telecommunication charges



SYSTEM AUTOMATIC USE TAX ASSESSMENT

There are limited reasons why a PCDO or PREQ will not automatically assess use tax:

- PCDO: Any amount is prefilled in the "Sales Tax Amount" box during vendor processing
- PCDO: Any amount is entered into the "Enter Sales Tax" box during reconciliation
- PCDO: The "Tax Exempt Indicator" box is checked during reconciliation
- PCDO or PREQ: The object code is one listed below
- PREQ: The line being paid on the PO is not set up as taxable
- PREQ: The vendor is set as an Arizona vendor or an out of state vendor with a documented TPT license
- PREQ: And rarely, a manual adjustment might be made to the "Use Tax Indicator" during the processing of a payment where all other factors support a use tax adjustment

Use tax is not automatically assessed on the following object codes, which when used accurately, are never subject to sales or use tax in Arizona:

3820 – Postage & Mailing	5810 – Resale
3870 – Express Shipping	5830 – Resale
5520 – Conference Registration Fees	7810 – Library Acquisitions - Books
5535 – Purchasing Card Fees	7820 – Library Acquisitions - Periodicals
5540 – Dues	7830 – Library Acquisitions - Other
5560 – Freight In/Out – noncapital	



CORRECTIONS FOR SALES OR USE TAX

Sales tax:

• Any errors in sales tax collected by the vendor must be resolved with the vendor directly.

Use tax:

- Any errors in use tax for DVs or POs should be communicated to Accounts Payable for correction.
- Any errors in use tax for PCDOs should be corrected by the department.



One way to review PCDO transactions for use tax application or lack thereof:

- UAccess Financials > Accounting > General Ledger Entry
- Enter Fiscal Year, Chart Code (UA), Account Number, Fiscal Period, and Doc Type (PCDO)
- Object Code, Document Number and other fields can narrow the search
- Sort by Document Number to see if use tax was charged or not
- The report can be exported for additional review



GEC TO REVERSE USE TAX IN CURRENT FISCAL YEAR

UAccess Financials > Accounting > Activities > General Error Correction (GEC)

DOCUMENT OVERVIEW

- Description "Reversal of use tax"
- Explanation Brief explanation why
- Organization Document Number Enter the original doc #

PLEASE NOTE – A GEC can only be used to reverse use tax in the current fiscal year. A DI is required to assess use tax, or, to make a correction to a prior fiscal year. Instructions for each scenario are available on the <u>Financial Services – Tax Services –</u> <u>Correcting Use Tax on a PCDO</u> webpage.

₿ Q	General Error Correction 🛛	Initiator : swatts Created : 03:30 PM 05/02/2023 EXPAND ALL COLLAPSE ALL
*	DOCUMENT OVERVIEW	
	OVERVIEW	
<u>≙</u> .*	* Description : Reversal of use tax Explanat Organization Document Number : 34567890	ilon : R&D chemicals not subject to use tax
ย •	FINANCIAL DOCUMENT DETAIL	
. ≙ ⊯	Total Amount :	
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SC 2	* Fiscal Year : 2023 * Document Number : 34567890 Search	



GEC TO REVERSE USE TAX IN CURRENT FISCAL YEAR

GL ENTRY IMPORTING

 Be sure to select **both** the use tax expense, and the associated 9190 -Miscellaneous Payables use tax liability accounting lines

Selec	ielect All From All Pages Deselect All From All Pages					Select All From This Page			Deselect All From This Page				Return Selected		
Select?	GEC Document Number	Fiscal Year	Chart Code ♣	Account Number ♣	Sub- Account Number	Object Code	Sub- Object Code	Balance Type Code	Object Type Code	Fiscal Period	Document Type	Origin Code	Document Number	Transaction Ledger Entry Description	Transaction Ledger Entr Amount
		2023	<u>UA</u>	2345678		<u>5280</u>		AC	EX	11	PCDO	<u>01</u>	34567890	R&D Chemicals	58.50
		<u>2023</u>	<u>UA</u>	2345678		<u>5280</u>		<u>AC</u>	<u>EX</u>	<u>11</u>	PCDO	<u>01</u>	34567890	Use Tax 5.600% on 58.50	3.28
		2023	UA	2345678		<u>5560</u>		AC	<u>EX</u>	11	PCDO	<u>01</u>	34567890	Shipping	12.00
		2023	<u>UA</u>	<u>2899900</u>		<u>9175</u>		AC	L	<u>11</u>	PCDO	<u>01</u>	<u>34567890</u>	1234/ JOHNSON LAB, JOHNSON	70.50
•		2023	<u>UA</u>	2892000		<u>9190</u>		<u>AC</u>	Ш	<u>11</u>	PCDO	<u>01</u>	34567890	Use Tax 5.600% on 58.50	3.28
Selec	t All From Al	II Pages	D	eselect All	From All P	ages	Select.	All From T	his Page	De	select All Fr	om This	Page	Return Selected	i



GEC TO REVERSE USE TAX IN CURRENT FISCAL YEAR

GL ENTRY IMPORTING feature prefills:

- Account # Account # where the expense was charged
- Object Code Object code on which the expense was charged
- Reference Origin Code "01"
- Reference Number Original doc # where the expense was charged
- Amount Use tax charged

ACCOUNTING LINES

• Returned selections will be in the "REVERSING" section of the GEC

NOTES AND ATTACHMENTS

- Include a detailed explanation why the transaction is not taxable, or why use tax is otherwise reversable
- Consider the details your fund accountant or an auditor would need to know
- This is optional IF sufficient details are included in the Explanation box





FOR AN ACCURATE SALES OR USE TAX RESPONSE



When contacting Tax Services for a sales or use tax inquiry, please include:

- UAccess Financials document number
- If not attached to the document, include as much supporting documentation as possible. This may include but is not limited to:
 - Invoice
 - Quote
 - Contract
 - Agreement
 - Vendor documents explaining product or service
 - Explanation of department's intended use

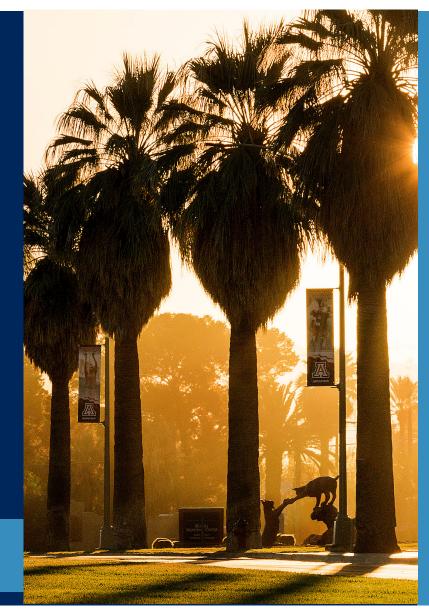


IN REVIEW



- The University is not exempt from Arizona sales and use tax
- Purchases and sales of tangible personal property AND services are generally taxable, unless specifically exempt
- If taxable goods are purchased from an out of state vendor without an Arizona TPT license, allow use tax assessment
- If you have paid both sales tax and use tax on a single purchase, reverse the use tax
- Provide complete details with Arizona sales and use tax inquiries for more expedited response





RESOURCES AND CONTACT INFORMATION

- Tax Services Arizona Sales and Use Tax page: <u>https://financialservices.arizona.edu/tax-services/az-sales-use</u>
- For assistance to determine the taxability of a purchase/sale: <u>FNSV-Tax-Services@arizona.edu</u> Financial Services – Tax Services: 520-621-1957
- For assistance recording purchases, sales, and related tax: <u>FNSV-FundAccountants@arizona.edu</u> Financial Services – Fund Accounting: 520-621-9097
- For assistance with the correction of use tax on a DV or PO: <u>FNSV-Accounts-Payable@arizona.edu</u> Financial Services – Accounts Payable: 520-621-9097

