

Title 35 MSTC

Part IV Sales and Use Tax

Sub Part 04 Retail

Chapter 08 Sales and Installations of Personal Property

Levy

100 Any person selling and installing personal property as a business activity is taxed by Section 27-65-17 on gross proceeds of sales, which include installation charges as defined by Section 27-65-3. Persons not in the business of selling who only install the owner's personal property are not subject to tax on labor charged to the owner unless taxed as a service provided by Section 27-65-23.

101 (Reserved)

Definitions

200 "Business activity" includes any activity or act engaged in (personal or corporate) for benefit or advantage, either direct or indirect and does not require that an inventory of goods be maintained.

201 "Installation" means the application of tangible personal property to real or personal property regardless of whether it becomes a part of the real property or retains its personal property classification. Examples of installed sales, or sales of property set in place are:

1. Aluminum and plastic siding;
2. Appliances;
3. Awnings;
4. Carpets;
5. Carports;
6. Drapes;
7. Fences;
8. Floor coverings;
9. Gasoline pumps;
10. Glass;
11. Machinery;
12. Office and business equipment
13. Pipe organs
14. Roofing;
15. Store fixtures;
16. Tile
17. Tombstones;
18. Window air conditioning units;

- 19. Window guards; and
 - 20. Similar property
- 202 "Installation" does not include construction work and carpentry when the principal activity is the erection of or repairs to buildings or structures.
- 203 (Reserved)

Tax Rates

- 300 Suppliers who contract for less than \$ 10,000 primarily for the sale and installation of property listed in this regulation, which may include some incidental construction or carpentry services, are taxed on the full installed sales price of the job at the regular retail rate of tax (for example, the sale and installation of roofing, tile, carpets, etc.) No sales tax is due when sold for resale to and installed for another dealer in such property.
- 301 Contracts over \$10,000 for the installation of Title 35, Mississippi Administrative Code, Part IV, Subpart 4, Chapter 8 property which qualify as an activity under Section 27-65-21 will be taxed at 3 1/2% (see Title 35, Mississippi Administrative Code, Part IV, Subpart 10, Chapter 1). Activities which may qualify under this section are roofing, siding, tile setting, glass, floor covering and fence installation.
- 302 (Reserved)

Burglar and Fire alarm Systems

- 400 Burglar and Fire alarm Systems. When as the result of signing a monitoring contract, the alarm company provides and installs the alarm system for free or at reduced cost, the equipment is not taxed for use tax or treated as a withdrawal from inventory. Sales tax is due on the amount received from the customer. The monitoring service is taxable regardless of where the monitoring is taking place.
- 401 (Reserved)

Sales of Concrete and Asphalt

- 500 All sales of concrete and asphalt are taxable at the regular retail rate of tax unless the purchaser provides a valid exemption. A valid exemption means that the purchaser is an entity exempt from sales tax under Sections 27-65-101 through 27-65-111, Mississippi Code of 1972; or that the purchaser holds an MPC number or direct pay permit issued under Section 27-65-21 or 27-65-93, Mississippi Code of 1972, respectively. Additional information on the treatment of concrete and asphalt sales may be found in Title 35, Mississippi Administrative Code, Part IV, Subpart 10, Chapter 01.
- 501 (Reserved)