

Certificate of Exemption for Purchases Of Promotional Materials

ST-121.2
(8/97)

To be completed by the
purchaser and given to
the seller.

Read instructions on
the back of this form
before completing.

This form will not constitute acceptable proof of exemption from the sales and use tax due on promotional materials unless **all** required entries are completed.

Name of seller	Name of purchaser
Street address	Street address
City State ZIP code	City State ZIP code
Purchaser's sales tax vendor ID # (see instructions on back)	

Check box (1) or box (2) below as applicable:

- (1) Single purchase certificate (2) Blanket certificate

I, the undersigned, hereby certify that this purchase is exempt from sales and use tax as follows:

For Parts I, II, or III, fill in the percentage being purchased tax exempt.

If the total purchase is exempt, indicate 100%. (The percentage **must** be filled in for this certificate to be valid, and only that percentage will be exempt from state and local sales and use tax.)

Part I - Purchases of Promotional Materials

- (A) _____ % **Printed** promotional materials that are mailed or shipped by common carrier, the U.S. Postal Service or a like delivery service, to my customers or prospective customers at no charge to them.
- (B) _____ % Promotional materials upon which producing, fabricating, processing, printing, or imprinting services have been directly performed, and that are mailed or shipped by common carrier, the U.S. Postal Service, or like delivery service, to my customers or prospective customers at no charge to them.
- (C) _____ % Promotional materials not described in (A) or (B) above, that are mailed, shipped, or otherwise distributed to my customers or prospective customers located outside New York State, for use outside the state.

Part II - Purchases of Services to Exempt Promotional Materials

- (D) _____ % Producing, fabricating, processing, printing, or imprinting services performed on promotional materials exempt under (A), (B), or (C) above.
- (E) _____ % Information services or services of producing, fabricating, processing, printing, or imprinting relating to mailing lists or activities directly in conjunction with mailing lists, provided such services are performed on or directly in conjunction with, any of the promotional materials exempt under (A), (B), or (C) above.

Part III - Purchases of the Service of Storing Exempt Promotional Materials

- (F) _____ % Storage provided by the vendor who sold me the promotional materials exempt under (A) or (B) above.
- (G) _____ % Storage provided by the vendor who performed services for me exempt under (D) or (E) above, with respect to promotional materials exempt under (A) or (B) above.

Type or print name and title	
Signature	Date

Evasion of New York State taxes is a felony. Any person who attempts to use this form to evade the sales and use tax will be subject to penalties as provided by the New York State Sales and Use Tax Laws and Regulations.

INSTRUCTIONS

Sales Tax Vendor ID

If you are registered with the Tax Department as a sales tax vendor, you must enter your sales tax vendor identification number on the line on the front of this form. If you are required to be registered, you must be registered before you use this form. If you are not required to be registered, enter *N/A* (not applicable) on this line.

How to Use This Certificate

This certificate may be used to purchase certain promotional materials exempt from sales tax. Promotional materials include any advertising materials such as catalogs, literature, and related tangible personal property (complimentary maps, other free gifts, applications, order forms, etc.), and the envelopes used exclusively to deliver the promotional materials. Account statements, invoices or the envelopes used to deliver them are not promotional materials.

Promotional materials or services to promotional materials may be purchased exempt **only** up to the percentage indicated on this certificate by the purchaser. When this certificate is used as a blanket certificate, the percentage(s) used should be reviewed periodically. If any percentage changes, a new blanket certificate must be issued. The new certificate will cover subsequent purchases, and will remain in effect until the percentage changes again.

If you cannot, in good faith, determine the exempt percentage, you must pay tax at the time of purchase and request a refund. If you estimate too high a percentage as exempt, you must pay tax on the portion that turns out to be taxable.

Part I

(A) Printed promotional materials delivered to customers or prospective customers of the person buying the materials will not be subject to tax when they are delivered by common carrier, the U.S. Postal Service or a like delivery service, and the customers or prospective customers receive them free of any charge. (The paper, ink, artwork, mechanicals, etc., the purchaser of the promotional materials provides to the printer also qualify for the exemption.)

(B) Promotional materials upon which the services listed have been or will be directly performed are exempt when delivered under the same circumstances as (A) above. For example, blank envelopes upon which the senders logo and the mailing address of a customer or potential customer are printed will be exempt when used exclusively to mail promotional materials.

(C) Promotional materials delivered to customers or prospective customers located **outside** New York State for use **outside** the State (exempt under section 1115(n)(1) of the Tax Law), are not subject to New York State and local sales and use taxes.

Part II

(D) and **(E)** purchases of Tax Law section 1105(c)(1) services (e.g., mailing lists), or 1105(c)(2) services (producing, fabricating, etc.), services relating to mailing lists or activities directly in conjunction with mailing lists, (merging names, labeling envelopes, etc.), when such services are performed on or directly in conjunction with qualifying exempt promotional materials are also exempt.

Part III

Charges for storage of exempt promotional materials are also exempt, but **only** if the storage is provided by:

(F) the vendor who sold the exempt promotional materials described in Part I (A) or (B) or **(G)** the vendor who rendered exempt services to the promotional material described in Part

II (D) or (E) and the storage service is sold to the purchaser of the exempt promotional materials.
(Storage of other promotional materials is taxable.)

(See TSB-M-97(6)S for further information relating to the production and use of promotional materials.)

Misuse of This Certificate

This certificate may not be used to exempt the purchase of free gifts to be sent to the purchaser's New York customers (or prospective customers), unless the gifts constitute exempt printed promotional materials or promotional materials upon which Tax Law section 1105(c)(2) services have been (or will be) performed, and the gifts are mailed or shipped by common carrier, U.S. Postal Service or like delivery service.

To the Vendor

The purchaser must give you an exemption certificate with all required entries completed no later than 90 days after delivery of the property or services sold, or the sale will be deemed to have been taxable at the time of the transaction. If you receive the certificate after the 90-day period, both you and the purchaser assume the burden of proving the sale was exempt, and additional substantiation may be required.

If you accept an improperly completed certificate and fail to collect tax, you become personally liable for the tax, penalty, or interest due, unless the certificate is corrected within a reasonable period of time.

Vendors must keep this certificate as part of their sales tax records, and be able to associate the certificate with related sales, for at least three years after the date of the last sale that is substantiated by the certificate.

NEED HELP?

Telephone Assistance is available from 8:30 a.m. to 4:25 p.m., Monday through Friday. For **business tax information or forms**, call the Business Tax Information Center at 1 800 972-1233. For **general information**, call toll free 1 800 225-5829. To **order forms and publications**, call toll free 1 800 462-8100.
From areas outside the U.S. and Canada, call (518) 485-6800.

Fax-on-Demand Forms Ordering Systems - Most forms are available by fax 24 hours a day, 7 days a week. Call toll free from the U.S. and Canada 1 800 748-3676. You must use a Touch Tone phone to order by fax. A fax code is used to identify each form.

Internet Access - <http://www.tax.state.ny.us> Access our website for forms, publications and information.

Hotline for the Hearing and Speech Impaired - If you have access to a telecommunications device for the deaf (TDD), you can get answers to your New York State tax questions by calling toll-free from the U.S. and Canada 1 800 634-2110. Assistance is available from 8:30 a.m. to 4:15 p.m., Monday through Friday. If you do not own a TDD, check with independent living centers or community action programs to find out where machines are available for public use.

Persons with Disabilities - In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call the information and assistance numbers listed above.

Mailing Address - If you need to write, address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, W A Harriman Campus, Albany, NY 12227.