**Opinion Letter**

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| **Letter Number:** | **O-2005-005** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Criminal background checks for businesses.** |
| **Keywords:** |  |
| **Approval Date:** | **10/11/2005** |

**Body:**

Office of Policy & Research

October 11, 2005

XXXXX
XXXXX
XXXXX

RE: Your fax received on September 29, 2005

Dear XXXXX:

Thank you for your recent inquiry. You conduct criminal background checks for businesses across the United States. Occasionally, you use a company that provides this service for a fee. The company bills you and you, in turn, bill your client.

You recently received a letter from the company stating that it will begin charging you sales tax for their services unless you provide them with written proof that their services are not taxed in Kansas. Please be advised the State of Kansas does not tax such services.

The Kansas retailers' sales tax act taxes all sales of tangible personal property. The act taxes only those services that are enumerated in it. Providing criminal background checks is not one of the enumerated services. Accordingly, your payment for criminal background checks are not subject to Kansas tax.

I hope that this letter resolves your problem. If you or the company you're doing business with have any additional questions, please call me at 7850357-0827.

Sincerely,

Thomas E. Hatten
Attorney/Policy & Research

**Date Composed: 10/17/2005 Date Modified: 10/17/2005**