



To be completed by
the purchaser and
given to the seller

New York State Department of Taxation and Finance
New York State and Local Sales and Use Tax

ST-121 (3/00)

Read instructions on back
before completing or
accepting this form

Exempt Use Certificate

| | |
|--|--|
| Name of seller | Name of purchaser |
| Street address | Street address |
| City State ZIP code | City State ZIP code |
| Check one: <input type="checkbox"/> Single-purchase certificate <input type="checkbox"/> Blanket certificate | Purchaser's <i>Certificate of Authority</i> number |

This form cannot be used to purchase motor fuel or diesel motor fuel exempt from sales tax.

This purchase I am making is exempt from state and local sales and use taxes because the property or services will be used for the exempt purpose indicated below. *(check the box next to the exemption you are claiming)*

Part I — Manufacturing exemptions

- ☐ (a) Machinery and equipment, including parts, tools, and supplies, when purchased for use or consumption directly and predominantly in the production of tangible personal property, gas, electricity, refrigeration, or steam for sale; or telephone central office equipment or station apparatus or comparable telegraph equipment used directly and predominantly in receiving at destination or in initiating and switching telephone or telegraph communication, or in receiving, amplifying, processing, transmitting, and re-transmitting telephone or telegraph signals, including parts, tools, and supplies used in connection with such equipment or apparatus.

Paragraph (a) purchases are exempt from all state and local sales and use taxes.

- ☐ (b) Purchases of *(check one or more boxes)*:
☐ fuel ☐ gas ☐ electricity ☐ refrigeration ☐ steam
for use or consumption directly and exclusively in the

production of tangible personal property, gas, electricity, refrigeration, or steam for sale.

Paragraph (b) purchases are exempt from all state and local taxes when delivered outside New York City, but subject to New York City local sales and use tax when delivered or used in New York City.

- ☐ (c) Installing, repairing, maintaining, or servicing of:
- machinery or equipment used directly and predominantly in production;
 - telephone or telegraph central office equipment or station apparatus described in paragraph (a) of this part; or
 - parts, tools, or supplies described in paragraph (a) of this part.

Paragraph (c) purchases are exempt from all state and local sales and use taxes.

Part II — Other exemptions — exempt from all sales and use taxes

- ☐ (d) Tangible personal property for use or consumption directly and predominately in research and development in the experimental or laboratory sense.
- ☐ (e) Purchases of *(check one or more boxes)*:
☐ gas ☐ electricity ☐ refrigeration ☐ steam
for use or consumption directly and exclusively in research and development in the experimental or laboratory sense.
- ☐ (f) Cartons, containers, and other wrapping and packaging materials and supplies, for use by a vendor to package tangible personal property for sale, and actually transferred to the purchaser of the property.
- ☐ (g) Enhanced emissions inspection equipment certified by the Department of Environmental Conservation used to test and inspect motor vehicles, as part of the enhanced emissions inspection program required by the Federal Clean Air Act of 1990. Enter your inspection station license number:

- ☐ (h) Alternative fuel vehicle refueling property and the service of installing such property.
- ☐ (i) Commercial vessels, including property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance, and repairs, and the service of installing, maintaining, servicing, or repairing such vessels or property.
- ☐ (j) Commercial aircraft, machinery and equipment to be installed on such aircraft, property used for maintenance or repair of such aircraft, and flight simulators purchased by commercial airlines.
- ☐ (k) Commercial fishing vessels (other than sport fishing vessels), including property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance, and repairs.
- ☐ (l) Other *(describe exempt use and identify the section of the Tax Law covering this exemption)*

Substantial penalties will result from misuse of this certificate *(see back of this form).*

| | | |
|--|----------------------|------|
| Signature of owner, partner, officer of purchasing corporation, etc. | Print name and title | Date |
|--|----------------------|------|

Instructions

If you have a valid *Certificate of Authority*, you may use Form ST-121 to purchase tangible personal property or services exempt from tax to the extent indicated in these instructions. Complete all required entries on the front of the form and give it to the seller.

You may use Form ST-121 as a blanket certificate covering the first and subsequent purchases of the same general type of property or service. However, each subsequent sales slip or purchase invoice (excluding utility bills) based on this blanket certificate must show the purchaser's name, address, and *Certificate of Authority* identification number.

Use Form ST-121.2, *Certificate of Exemption for Purchases of Promotional Materials*, when making purchases of promotional materials.

Part I — Manufacturing exemptions

Item (a) — You may use this form to purchase, exempt from tax, machinery and equipment, including parts, tools, and supplies, used in the production process.

Item (b) — You may use this form to purchase, exempt from tax, fuel, gas, electricity, refrigeration, and steam for use or consumption if it is used **directly** and **exclusively** in production for sale. You must pay any state and local taxes due on any part of any fuel or utility services not used for an exempt purpose. (For example, electricity purchased solely to light a factory must be purchased tax paid, but electricity used for both operating exempt machinery and factory lighting may be purchased tax exempt. The tax due on the electricity for the lighting must be reported on your sales and use tax return as *Purchases Subject to Use Tax*.)

Item (c) — Purchases of these services are exempt from all state and local sales and use taxes.

Part II — Other exemptions

Purchases described in Part II are exempt from all state and local sales and use taxes (including New York City).

Item (g) — To qualify for the exemption, the equipment must be purchased by an official inspection station, licensed by the Department of Motor Vehicles, and the inspection station must be authorized to conduct enhanced emissions inspections. (See TSB-M-97(8)S for further information about enhanced emissions inspection equipment.)

Item (h) — *Alternative fuel vehicle refueling property* is defined as property predominately used either for (1) the storage or dispensing of alcohol, natural gas, propane, or hydrogen into the fuel tank of an alternative fuel vehicle, or (2) the recharging of an electric vehicle, where the storage, dispensing, or recharging takes place at the point where the fuel is delivered into the fuel tank of the vehicle, or where the electric vehicle is recharged. Other qualifications for the exemption for this property are that it is subject to an allowance for depreciation and that its original use begins with the purchaser.

Item (i) — To qualify for the exemption, the commercial vessel must be primarily engaged in interstate or foreign commerce. The exemption does **not** apply to property purchased for or used in the original equipping of a new ship, or to the services of installing such property in the equipping of a new ship. (See TSB-M-96(14)S for further information concerning commercial vessels.)

Item (j) — To qualify for the exemption, the commercial aircraft must be primarily engaged in intrastate, interstate, or foreign commerce. (See TSB-M-96(14)S for further information concerning commercial aircraft.)

Item (k) — To qualify for the exemption, the fishing vessel must be used directly and predominantly in the harvesting of fish for sale. (See TSB-M-85(17)S for further information concerning commercial fishing vessels.)

Item (l) — Use this line to claim exemption from all sales and use taxes on qualified tangible personal property or services not otherwise specified in this certificate. Describe the exempt use of the tangible personal property or service being purchased, and identify the applicable section of the law.

Misuse of this form

Any person who intentionally issues a fraudulent exemption certificate will become liable for penalties and interest, in addition to the sales tax initially due. Some penalties that apply are:

- 100% of the tax due
- \$50 for each fraudulent exemption certificate issued
- A misdemeanor penalty (consisting of fines not to exceed \$10,000 for an individual or \$20,000 for a corporation)

In addition to the penalties imposed for misuse of an exemption certificate and any other penalties imposed by the Tax Law that may apply, your New York State *Certificate of Authority* can be revoked for falsifying an exemption certificate. Once this department has revoked your *Certificate of Authority*, you will be prohibited from conducting any business in New York State for which a *Certificate of Authority* is required.

To the seller

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

In addition, if you fail to collect tax as a result of accepting an improperly completed exemption certificate, you become personally liable for the tax plus any penalty and interest charges due, unless the certificate is corrected within a reasonable period of time. You must keep this exemption certificate for at least three years after the due date of the last return to which it relates, or the date the return was filed, if later. You must also maintain a method of associating an exempt sale made to a particular customer with the exemption certificate you have on file for that customer.

Privacy notification

The right of the Commissioner of Taxation and Finance and the Department of Taxation and Finance to collect and maintain personal information, including mandatory disclosure of social security numbers in the manner required by tax regulations, instructions, and forms, is found in Articles 8, 28, and 28-A of the Tax Law; and 42 USC 405(c)(2)(C)(i).

The Tax Department uses this information primarily to determine and administer sales and use taxes or liabilities under the Tax Law, and for any other purpose authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of the Registration and Data Services Bureau, NYS Tax Department, Building 8 Room 924, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the U.S. and outside Canada, call (518) 485-6800.

Need help?

Telephone assistance is available from 8:30 a.m. to 4:25 p.m. (eastern time), Monday through Friday.

Tax information: 1 800 972-1233


Forms and publications: 1 800 462-8100


From outside the U.S. and outside Canada: (518) 485-6800

Fax-on-demand forms: 1 800 748-3676

Internet access: <http://www.tax.state.ny.us>

Hearing and speech impaired (telecommunications device for the deaf (TDD) callers only): 1 800 634-2110 (8:30 a.m. to 4:25 p.m., eastern time)

 **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 1 800 225-5829.

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