

103 KAR 27:030. Brokers, lienors and fiduciaries.

RELATES TO: KRS 139.010, 139.200

STATUTORY AUTHORITY: KRS 131.130(1)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation interprets the sales and use tax law as it applies to sales by brokers, lienors, and fiduciaries.

Section 1. Brokers such as food or produce brokers, grain brokers, lumber brokers and other brokers not having possession of tangible personal property for sale are not retailers.

Section 2. Pawnbrokers selling tangible personal property are retailers and shall report and pay the tax on the gross receipts from the sale of such property. The sale of property forfeited to them by reason of the pawner's failure to redeem shall be included in the gross receipts.

Section 3. Lienors such as storage operators, mechanics, artisans and others selling tangible personal property to enforce a lien thereon are retailers with respect to sales of the property to consumers and the tax applies to the gross receipts from such sales.

Section 4. Fiduciaries having possession of tangible personal property for the purpose of sale are retailers with respect to sales of the property to consumers and the tax applies to the gross receipts from such sales. (SU-34; 1 Ky.R. 144; eff. 12-11-1974; TAm eff. 5-20-2009; TAm eff. 6-2-2016.)