

New York State Department of Taxation and Finance
Taxpayer Services Division
Technical Services Bureau

TSB-A-88(25)S
Sales Tax
April 25, 1988

STATE OF NEW YORK
COMMISSIONER OF TAXATION AND FINANCE

ADVISORY OPINION

PETITION NO. S880111A

On January 11, 1988, a Petition for Advisory Opinion was received from Camillus Sportsmen's Club, Inc., Devoe Rd., Camillus, New York 13203.

The issue raised is whether Petitioner's purchases of clay targets for use in trap and skeet shooting events are subject to tax.

Aware of its tax status as "social or athletic club" as defined in Tax Law § 1101(d)(13), Petitioner collects sales tax on the fees charged members for the use of club facilities for shooting events and target practice, because such fees represent taxable "dues" pursuant to 20 NYCRR 527.11(b)(2). In accordance with the same regulation, no tax is charged when these fees are paid by members for their guests.

Since payment of a shooting fee entitles the member or guest to the consumption of a number of machine propelled clay targets, Petitioner inquires whether the club's purchases of these supplies qualify for the resale exemption.

The Tax Law imposes a tax on the receipts from every retail sale of tangible personal property and defines "retail sale" as a sale of tangible personal property to any person for any purpose other than for resale as such or for use in providing certain specified services. Tax Law § 1105(a); § 1101(b)(4)(i).

The clay targets are a supply item consumed by Petitioner's trap machines. As such they are not purchased for resale but for the club's use in providing sporting facilities to members, a service not covered by the exceptions contained in Section 1101(b)(4)(i) of the Tax Law.

Accordingly, purchases of clay targets are retail sales to the Petitioner whose supplier must collect the applicable State and local sales taxes. Matter of The Tonawandas Sportsmen's Club, Decision of the State Tax Commission, Nov. 14, 1986, TSB-H-87(14)S.

DATED: April 25, 1988

s/FRANK J. PUCCIA
Director
Technical Services Bureau

NOTE: The opinions expressed in Advisory Opinions
are limited to the facts set forth therein.