

Exempt Purchases by an Enrolled Member or by the Tribal Government of the Mashantucket Pequot Tribe or Mohegan Tribe

General Purpose: An enrolled member or an agent of the Mashantucket Pequot Tribe or Mohegan Tribe uses this certificate for purchases or rentals of tangible personal property or purchases of services in Indian country of the tribe.

The purchaser who claims this exemption will owe use tax on the total purchase price of the tangible personal property or services if, at the time of purchase, the purchaser does not intend to use the tangible personal property or services exclusively in Indian country of the tribe and subsequently uses the tangible personal property or services outside of Indian country of the tribe.

Statutory Authority: Conn. Gen. Stat. §§12-407(a)(6), 12-408c, and 12-412(2).

Instructions for the Purchaser: An enrolled member or an agent of the Mashantucket Pequot Tribe or Mohegan Tribe signs and issues this certificate for purchases or rentals of tangible personal property or purchases of services in Indian country of the tribe with which the purchaser is affiliated.

Tangible personal property

- Sales and purchases of tangible personal property take place in Indian country of the tribe if title to the property passes to the purchaser in Indian country of the tribe.
- Rentals of tangible personal property take place in Indian country of the tribe if delivery of the property occurs in Indian country of the tribe.

Purchases or rentals of tangible personal property **are not exempt**, and sales and use taxes apply to the purchases, where title to the property or delivery of the rented property is taken by the purchaser outside of Indian country of the tribe even if the purchaser immediately transports the property into Indian country of the tribe.

Under the Buy Connecticut provision described in Conn. Gen. Stat. §12-408c, a business may apply to the Department of Revenue Services (DRS) for a refund of sales and use taxes paid on tangible personal property purchased from a Connecticut retailer when those goods will be:

- Shipped outside of Connecticut by common or contract carrier for exclusive use outside of Connecticut; or
- Incorporated into other property to be shipped outside of Connecticut for exclusive use outside of Connecticut.

The Buy Connecticut provision also allows the Commissioner of Revenue Services to issue permits that enable qualified purchasers to purchase property without payment of sales and use taxes. DRS considers Indian country of the tribe to be outside of Connecticut for purposes of the Buy Connecticut provision. (See **Special Notice 2001(5)**, *The "Buy Connecticut" Provision*.)

In addition, Conn. Gen. Stat. §12-407(6) excludes from use tax the exercise of any right or power over tangible personal property shipped or brought into Connecticut for the purpose of subsequently transporting it outside the state for use solely outside Connecticut, or to be processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported and used solely outside Connecticut.

Services

The sale, storage, use, or other consumption of a service occurs where the benefit of the service is realized in accordance with Chapter 219 of the Connecticut General Statutes and related regulations. For example, certain

services, such as business management services, rendered for the benefit of a tribal business operating exclusively in Indian country of the tribe are realized in Indian country of the tribe even if the services are performed by a service provider located outside Indian country of the tribe. Services to real property, such as services to industrial, commercial, or income producing real property, are considered to be realized where the real property is located. Services to tangible personal property, such as repairs to motor vehicles or appliances, are also generally considered to occur at the location where the services are rendered. Purchasers of services should inquire with the DRS if they are uncertain of the taxability of the service.

Keep a copy of the certificate and records that substantiate the information entered on this certificate for at least six years from the date it is issued.

Instructions for the Seller: Acceptance of this certificate, when properly completed, relieves the seller from the burden of proving the sale, storage, use, or other consumption of tangible personal property or services is not subject to sales and use taxes. The certificate is valid only if taken in good faith from an enrolled member or an agent of the Mashantucket Pequot Tribe or Mohegan Tribe for sales where:

- Title to the tangible personal property passes to the purchaser in Indian country of the tribe (unless a Buy Connecticut permit is provided);
- The delivery of rented tangible personal property takes place in Indian country of the tribe; **or**
- The benefit of the service is realized in Indian country of the tribe under Connecticut law.

The good faith of the seller will be questioned if the seller knows of facts that suggest:

- Title to the property will not pass in Indian country of the tribe;
- Delivery of rented property will not take place in Indian country of the tribe;
- The benefit of the services rendered will be realized outside Indian country of the tribe;
- The purchaser does not intend to use the tangible personal property exclusively in Indian country of the tribe; **or**
- The purchaser is not an enrolled member or agent of the tribal government.

Sellers of services should inquire with DRS if they are uncertain of the taxability of the service being sold.

Keep this certificate and bills or invoices to the purchaser for at least six years from the date of the purchase. The bills, invoices, or records covering all purchases made under this certificate must be marked to indicate this was an exempt purchase. The words "Exempt under CERT-127" satisfy the requirement.

This certificate may be issued annually as a blanket certificate for a line of continuing purchases.

For More Information: Call DRS at 1-800-382-9463 (in-state) or 860-297-5962 (from anywhere). **TTY, TDD, and Text Telephone users** only may transmit inquiries anytime by calling 860-297-4911. Preview and download forms and publications from the DRS website at www.ct.gov/DRS

Name of Seller	Address	CT Tax Registration Number <i>(If none, explain)</i>	Federal Employer ID #
Check One Box	<input type="checkbox"/> Blanket Certificate	<input type="checkbox"/> Certificate for One Purchase Only	
Check One Box	<input type="checkbox"/> Property Purchased	<input type="checkbox"/> Property Rented	<input type="checkbox"/> Services Purchased
Description			

Declaration by Purchaser

I declare that:

- I am either an enrolled member or agent of the Mashantucket Pequot Tribe or the Mohegan Tribe purchasing tangible personal property or services in Indian country of the tribe;
- Title to the property or delivery of rented property will be taken in Indian country of the tribe (unless a Buy Connecticut permit is provided); **and**
- The property purchased or rented or the benefit of services purchased is realized in Indian country of the tribe and will be used exclusively in Indian country of the tribe.

If, however, the tangible personal property purchased or rented under this certificate is intended to be used outside of Indian country of the tribe or the benefit of services purchased under this certificate will be realized outside of Indian country of the tribe, I acknowledge that the enrolled member or tribal government will be liable for Connecticut use tax on the total purchase price of the tangible personal property or services if and when the tangible personal property is actually used or the benefit of the services are realized outside Indian country of the tribe.

I declare under penalty of law that I have examined this document (including any accompanying schedules and statements) and, to the best of my knowledge and belief, it is true, complete, and correct. I understand the penalty for willfully delivering a false return or document to DRS is a fine of not more than \$5,000, or imprisonment for not more than five years, or both.

Print Name of Purchaser

Name of Tribe With Which the Purchaser Is Affiliated

By: _____
Signature Title Date

Enrolled Member Agent of the Tribal Government