

SC REVENUE ADVISORY BULLETIN #00-04

- SUBJECT:** Sales Tax Holiday
(Sales and Use Tax)
- EFFECTIVE DATE:** Beginning 12:01 a.m. on the first Friday in August (In 2000 - August 4th) and ending at twelve midnight the following Sunday (In 2000 - August 6th) of each year.
- SUPERSEDES:** All previous advisory opinions and any oral directives in conflict herewith.
- REFERENCES:** S. C. Code Ann. Section 12-36-2120 (Enacted 2000)
- AUTHORITY:** S. C. Code Ann. Section 12-4-320 (2000)
S. C. Code Ann. Section 1-23-10(4) (2000)
SC Revenue Procedure #99-4
- SCOPE:** The purpose of a Revenue Advisory Bulletin is to provide guidance to the public and to Department personnel. It is a written statement issued to apply principles of tax law to a specific set of facts or a general category of taxpayers. A Revenue Advisory Bulletin does not have the force or effect of law, and is not binding on the public. It is, however, the Department's position and is binding on agency personnel until superseded or modified by a change in statute, regulation, court decision, or advisory opinion.

LAW

Section 12-36-2120 of the 1976 Code is amended to exempt:

- (a) sales taking place during a period beginning 12:01 a.m. on the first Friday in August and ending at twelve midnight the following Sunday of:
 - (i) clothing;
 - (ii) clothing accessories including, but not limited to, hats, scarves, hosiery, and handbags;
 - (iii) footwear;
 - (iv) school supplies including, but not limited to, pens, pencils, paper, binders, notebooks, books, bookbags, lunchboxes, and calculators;
 - (v) computers, printers and printer supplies, and computer software.

- (b) The exemption allowed by this item does not apply to:
- (i) sales of jewelry, cosmetics, eyewear, wallets, watches;
 - (ii) sales of furniture;
 - (iii) a sale of an item placed on layaway or similar deferred payment and delivery plan however described;
 - (iv) rental of clothing or footwear;
 - (v) a sale or lease of an item for use in a trade or business.
- (c) Before July tenth of each year, the department shall publish and make available to the public and retailers a list of those articles qualifying for the exemption allowed by this item.

EXAMPLES OF EXEMPT AND NON-EXEMPT ITEMS

Pursuant to Code Section 12-36-2120, as cited above, the department publishes the following list as examples of items it believes to be exempt and non-exempt:

Exempt items (Provided the item (1) is not used in a trade or business or (2) is not placed on layaway or similar deferred payment and delivery plan or (3) is not clothing or footwear that is rented) include:

Adult diapers
Aerobic clothing
Antique clothing
Aprons
Athletic or sport uniforms or clothing (but not equipment such as mitts, helmets and pads)
Baby bibs
Baby clothes
Baby diapers (cloth or disposable)
Baby shoes
Bandannas
Barrettes
Bathing caps
Bathing suits
Bathing trunks
Beach capes and coats
Belt buckles
Belts/suspenders
Blouses
Bobby pins
Bonnetts
Boots (climbing, hiking, riding, ski, waders, fishing, cowboy)
Bow ties
Bras
Bridal gowns and veils (must be sold; rentals are taxable)
Capri pants

Caps
Coats, capes and wraps
Computers (computer parts, such as computer monitors, keyboards and scanners, when not sold in conjunction with a central processing unit (CPU) and accessories are taxable)¹
Computer hardware service contracts sold in conjunction with computers
Computer software service contracts sold in conjunction with computer software
Computer software service contracts when the "true object" of the contract is to obtain computer software updates during the contract period
Computer software
Corsets
Corset laces
Costumes (must be sold; rentals are taxable)
Coveralls
Daily planners or organizers when used by school children as a school supply
Dress shields
Dresses
Ear muffs
Elastic ponytail holders
Fishing boots
Formal clothing (must be sold; rentals are taxable)
Furs
Galoshes
Garters/garter belts
Girdles
Gloves (batting, bicycle, dress, garden, golf, ski, tennis)
Gowns
Graduation caps and gowns (must be sold; rentals are taxable)
Gym suits
Hair bows
Hair clips
Handbags
Hand muffs
Handkerchiefs
Hats
Headbands
Hosiery
Hunting vests
Ice skates (rentals are taxable)
In-line skates (rentals are taxable)
Jackets
Jeans
Jogging suits

¹Since sales tax is a "transaction tax," and since the law did not exempt computer parts (only computers), then the sale of a computer monitor, keyboard, or scanner by itself would not be exempt during the sales tax holiday. If a monitor, keyboard or scanner is purchased as part of a package which included the computer processing unit (CPU), then that is one transaction to purchase a computer and the sale of the packaged unit (CPU, monitor, keyboard, scanner) would be exempt.

Jumpers
Leg warmers
Leotards and tights
Lingerie
Mittens
Overshoes
Pantyhose
Nightgowns
Pajamas
Pants
Pant suits
Personal Digital Assistants (hand-held computers used as daily planners)
Ponchos
Printers (replacement parts are taxable)
Printer supplies
Prom dress (must be sold; rentals are taxable)
Purses
Rain coats
Rain wear
Riding pants
Robes
Roller skates (provided the skates are permanently attached to the boots) (rentals are taxable)
Sandals
Scarves
School supplies including, but not limited to, pens, pencils, paper, binders, notebooks, books, "blue books," bookbags, lunchboxes, and calculators (school office and janitorial supplies are taxable)
School uniforms
Scout uniforms
Shawls and wraps
Shirts
Shoes (ballet, baseball, bicycle, boat, boots, bowling (taxed if rented), cleated, cross trainers, flip-flops, football, golf, jazz/dance, soccer, track, in-line skates, ice skates, running, etc.) (rentals are taxable)
Shorts
Shoulder pads for dresses, jackets, etc. (but not athletic or sport protective pads)
Ski boots (snow) (rentals are taxable)
Ski masks
Skirts
Ski suits (snow)
Skin diving suits
Sleepwear
Slippers
Slips
Sneakers
Socks
Sport clothing and uniforms (but not equipment such as mitts, helmets, and pads)

Sport jacket
Stockings
Suits
Support hosiery
Suspenders
Sweaters
Sweat bands
Sweat pants
Sweat shirts
Sweat suits
Ties/neckwear
Tights
T-shirts
Tuxedo (must be sold; rentals are taxable)
Umbrellas
Underwear
Waders
Wet and dry suits

The following items are not exempt:

Any clothing or footwear that is rented

Any item (whether sold or leased) used in a trade or business

Any item placed on layaway or similar deferred payment and delivery plan

Backpacks for hiking and camping (bookbags for school are exempt)

Briefcases

Change purse

Clocks (alarms clocks, wall clocks, etc.)

Clothing that is rented

Computer parts (such as computer monitors, keyboards and scanners when not sold in conjunction with a central processing unit (CPU)) and accessories other than printers and printer supplies (computers, computer software, printers, and printer supplies are exempt)²

Cookware

Cosmetics

Costume rentals (rentals are taxable; must be sold to be exempt)

Crib blankets

Daily planners or organizers (whether or not such include a calculator) when not used by school children as a school supply

Employee uniforms

Eyewear

Footwear that is rented

Formal clothing that is rented

Furniture

Gift wrapping paper

Glasses

²See footnote #1.

Goggles
Golf clubs
Greeting cards
Hardware (hand tools, power tools, etc.)
Helmets (sport, motorcycle, bicycle, etc.)
Heath food supplements
Hobby equipment, supplies and toys
Housewares
Jewelry
Key cases
Linens (sheets, blankets, etc.)
Mitts (baseball fielder's, hockey, etc.) (batting, bicycle, dress, garden, golf, ski, tennis, work gloves are exempt)
Music tapes, records and compact discs
Paper products that are not school supplies (greeting cards, gift wrapping paper, etc.)
Personal flotation devices
Printer replacement parts (printers are exempt)
Protective masks and goggles (athletic, sport, or occupational)
Roller skates not permanently attached to the boot
Safety clothing for use in a trade or business
Safety glasses and goggles
Safety shoes for use in a trade or business
School office and janitorial supplies
Sewing accessories
Shin guards and padding
Shoulder pads (football, hockey, etc.)
Sporting equipment (baseball mitts, golf clubs, helmets, hockey mitts, life jackets and vests, masks, pads, swim fins, swimming masks and goggles)
Stereo equipment
Sunglasses
Toys
Vitamins
Wallets
Watch bands
Watches
Wigs

SOUTH CAROLINA DEPARTMENT OF REVENUE

s/ Elizabeth Carpentier
Elizabeth Carpentier, Director

July 10, _____, 2000
Columbia, South Carolina