



Floor Covering Dealers & New Jersey Sales Tax

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Introduction

This bulletin explains the New Jersey sales and use tax rules for sales and installations of floor covering by **floor covering dealers**. A “floor covering dealer” is someone who makes retail sales of floor coverings. When a dealer installs the floor covering he sells, the dealer is both a retail vendor (i.e., seller of floor covering) and a contractor (i.e., installer of floor covering). A contractor that is not a retail floor covering dealer, but rather purchases floor covering on a per job basis and installs it for customers, operates under the general rules for contractors, not the rules for floor covering dealers. For information concerning contractors see Tax Topic Bulletin S&U-3, *Contractors and New Jersey Taxes*.

Sales of Floor Covering

The retail sale of floor covering is the sale of tangible personal property and is **always** taxable. Examples of floor covering include, but are not limited to: laminate, carpeting, linoleum, tile, hardwood, marble, and padding. When a dealer sells floor covering to a customer, with or without an agreement to install the floor covering, the dealer **must collect sales tax from the customer** on the sales price of the floor covering unless the customer issues a valid exemption certificate, or the floor covering is delivered outside the State by the vendor. A customer is defined as **anyone** purchasing the floor covering, including a contractor or developer. (NOTE: A floor covering dealer may accept a **Resale Certificate (Form ST-3)** *only* when the customer is a retail floor covering dealer.)

The installer (floor covering dealer, other person or business, or do-it-yourselfer) must pay sales tax on the supplies used in performing the installation. See *Purchases* below.

Installation of Floor Covering

Effective October 1, 2006, charges for the installation of floor covering are subject to tax whether the installation results in a capital improvement or not. Thus, the labor to install the following flooring materials on floors is subject to tax on and after October 1, 2006:

- Wall-to-wall carpet
- Wall-to-wall carpet that is permanently glued to the subfloor
- Wall-to-wall carpet installed by tack and pad
- “Click” laminate flooring
- Ceramic or vinyl tile
- Glued-down vinyl and linoleum
- Hardwood flooring
- Industrial, institutional, commercial, polymer, and epoxy flooring

Flooring Materials Applied to Walls or Ceilings. The installation of flooring such as those listed above on *walls or ceilings*, which qualifies as a capital improvement to real property is exempt from sales tax. The charge for installing these same materials *on the floor* is taxable. Floor covering does not include more than the height of a transition floor piece.

Purchases

For Resale. As a retailer, a floor covering dealer may purchase floor coverings and installation supplies for resale and not pay sales tax on these items by issuing a **Resale Certificate (Form ST-3)** to the supplier.

Installation Supplies. Anyone (floor covering dealer, other person or business, do-it-yourselfer) who installs floor covering is required to pay tax on the purchase price of the supplies used in the installation. Examples of supplies include, but are not limited to: underlayment, nails, staples, plywood strips, adhesive tape, and cement.

When a floor covering dealer installs floor covering, sales tax on the installation supplies may either be paid at the time of purchase, or may be remitted as **use tax** based on the cost of supplies withdrawn from the dealer’s sales inventory. When a dealer **sells and installs** floor covering, he pays sales or use tax on the supplies used in the installation.

If the floor covering dealer purchases installation supplies from outside the State and pays sales tax at a rate less than New Jersey's 7% rate, and the other state has sales tax reciprocity with New Jersey, **use tax** must be paid to New Jersey on the cost of the supplies for the difference between the rate in the State where the purchase was made and New Jersey's rate. If no sales tax was paid to the other state or the other state does not have reciprocity with New Jersey, the full 7% New Jersey use tax is due.

Supplies sold in New Jersey for use outside the State and delivered by the vendor to the out-of-State job site are not subject to New Jersey sales or use tax.

Exemption Certificates

A valid New Jersey exemption certificate allows a qualified individual or business to purchase certain goods and/or services without paying sales tax. In addition to the exemption certificates previously mentioned there are four other exemption certificates that may be used for exempt purchases of floor covering and floor covering installation services.

Exempt Organization Certificate (Form ST-5) — When an exempt organization purchases materials or services, they will provide a copy of their Exempt Organization Certificate instead of paying sales tax.

Contractor's Exempt Purchase Certificate (Form ST-13) — When contractors purchase materials or services for exclusive use in fulfilling a contract with an exempt organization or a Federal or New Jersey government agency, they will issue a Contractor's Exempt Purchase Certificate instead of paying sales tax.

Contractor's Exempt Purchase Certificate Urban Enterprise Zone (Form UZ-4) — When contractors purchase materials or services for exclusive use in fulfilling a contract with a qualified business within an Urban Enterprise Zone, they will issue a Contractor's Exempt Purchase Certificate instead of paying sales tax.

Urban Enterprise Zone Exempt Purchase Certificate (Form UZ-5-SB) — When a "small qualified business" from an urban enterprise zone purchases materials or services, they will provide a copy of their Urban Enterprise Zone Exempt Purchase Certificate (Form UZ-5-SB) instead of paying sales tax. On and after July 15, 2006, a seller may *not* accept Form UZ-5 regardless of the dates printed on the certificate. For more information on changes to the Urban Enterprise Zone Program, visit the Division's Web site at:

www.state.nj.us/treasury/taxation/uez.shtml

Record Keeping

A floor covering dealer in New Jersey is required to register with the State as a seller and must collect and remit sales and use tax accordingly. If sales tax was not collected from the customer, copies of the properly completed exemption certificates or proof that delivery occurred outside of New Jersey must be kept with the permanent records.

For More Information

For more information on floor covering dealers and New Jersey sales tax, contact the Division's Customer Service Center at 609-292-6400, e-mail us at nj.taxation@treas.state.nj.us, or write to:

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Many State tax forms and publications are available by fax and on our Web site. Call NJ TaxFax at 609-826-4500 from your fax machine's phone, or access the Division's home page at:

www.state.nj.us/treasury/taxation/