

## **222.0000 EXEMPTION CERTIFICATES—Regulation 1667**

### **(a) IN GENERAL**

222.0010 **Computer Generated Signatures.** Exemption certificates signed by a computer generated signature of the buyer's authorized agent are acceptable. 9/28/87.

222.0016 **Form of Certificates.** Regulation 1667 does not require an exemption certificate to contain a statement that the purchaser acknowledges liability and responsibility for reporting tax in the event the property is used in some other manner. 6/2/89.

### **(b) EFFECT**

222.0040 **Aircraft—Purchaser Liable for Sales Tax.** A purchaser of an aircraft gave an exemption certificate to a California aircraft dealer, alleging that he was a nonresident of California and that he would make no use of the aircraft here, other than the removal of it from the state. The purchaser owned real property in California, and Oregon and spent time in Oregon, California and Arizona. The purchaser filed California resident income tax returns, claimed a homeowners exemption on a residence located in California, and owned a vehicle licensed and registered in this state. The aircraft was flown to Oregon on the date of purchase and did not reenter California until it was put up for sale two years later.

Since the aircraft was delivered in California it is a sales tax transaction. The seller was relieved of the liability for the tax due to the purchaser's issuance of an exemption certificate. The purchaser is not entitled to the exemption provided by Regulation 1593 (a)(3), since he was a California resident at the time of purchase. As the result of issuing an erroneous certificate, the buyer is liable for the sales tax on the purchase price of the aircraft, pursuant to Regulation 1667 (b)(3). 5/23/93.

222.0500 **Good Faith.** A vendor is not regarded as having accepted an exemption certificate in good faith for its sales for a specific type of catheter when it is in possession of an opinion from the Board that the sales of its medical product are not protected from taxation by any statutory exemption. Therefore, such a certificate would not relieve the vendor from liability for sales tax on its sales. 5/31/94.

222.0510 **Good Faith Acceptance of Certificates.** Vendors are expected to exercise reasonable judgment with respect to accepting resale and exemption certificates in good faith. If the property sold is in the opinion of the vendor and from the vendor's experience of a type that would ordinarily be consumed or used in a nonexempt manner, the vendor's good faith acceptance of a certificate may be questioned. 5/23/75.

222.0700 **Repealed Exemption.** An exemption certificate issued with respect to an exemption statute which previously had been repealed does not shield the seller from tax liability. 2/4/94.

[222.0725](#) **Retroactive Effect.** A customer has requested a refund of sales tax from the taxpayer on purchases it made during the previous three year period. The taxpayer

inquired whether the purchaser can file an exemption certificate retroactively for these purchases.

Exemption certificates may not be filed retroactively. That is, only an exemption certificate that the retailer takes timely and in good faith will serve to protect the retailer from tax liability. However, if the retailer files a timely claim for refund and establishes that the amounts were, in fact, overpaid to the state, the amounts would be refunded to the retailer provided the retailer refunded such amounts to its customer. 6/11/96.