



**CERTIFICATE OF EXEMPTION**  
 OFFICE OF STATE TAX COMMISSIONER  
 SFN 21999 (4-2020)

**Streamlined Sales and Use Tax Agreement**

**Do not send this form to the Streamlined Sales Tax Governing Board. Send the completed form to the seller and keep a copy for your records.**

This is a multistate form. Not all states allow all exemptions listed on this form. **Purchasers are responsible for knowing if they qualify to claim exemption from tax in the state that would otherwise be due tax on this sale.** The seller may be required to provide this exemption certificate (or the data elements required on the form) to a state that would otherwise be due tax on this sale.

The purchaser will be held liable for any tax and interest, and possibly civil and criminal penalties imposed by the member state, if the purchaser is not eligible to claim this exemption. A seller may not accept a certificate of exemption for an entity-based exemption on a sale made at a location operated by the seller within the designated state if the state does not allow such an entity-based exemption.

**1.**  Check if you are attaching the Multistate Supplemental form.  
 If not, enter the two-letter abbreviation for the state under whose laws you are claiming exemption. \_\_\_\_\_

**2.**  Check if this certificate is for a Single Purchase Certificate. Enter the related invoice/purchase order \_\_\_\_\_.

**3.** Purchaser Name (please print)

Business Address		City	State	ZIP Code
Purchaser's Tax ID Number		State of Issue	Country of Issue	
If No Tax Identification Number Enter One of the Following:	Federal Employer Identification Number		Foreign Diplomat Number	
	Driver's License Number/State Issued ID Number			State of Issue
Name of seller from whom you are purchasing, leasing or renting				
Seller's Address		City	State	ZIP Code

**4. Purchaser's Type of Business.** Check the box that best describes your business.

<input type="checkbox"/> Accommodation and food services	<input type="checkbox"/> Transportation and warehousing
<input type="checkbox"/> Agricultural, forestry, fishing, hunting	<input type="checkbox"/> Utilities
<input type="checkbox"/> Construction	<input type="checkbox"/> Wholesale trade
<input type="checkbox"/> Finance and insurance	<input type="checkbox"/> Business services
<input type="checkbox"/> Information, publishing and communications	<input type="checkbox"/> Professional services
<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Education and health-care services
<input type="checkbox"/> Mining	<input type="checkbox"/> Nonprofit organization
<input type="checkbox"/> Real estate	<input type="checkbox"/> Government
<input type="checkbox"/> Rental and leasing	<input type="checkbox"/> Not a business
<input type="checkbox"/> Retail trade	<input type="checkbox"/> Other ( <i>explain</i> ) _____

**5. Reason for Exemption.** Check the box that identifies the reason for the exemption.

<input type="checkbox"/> Federal government ( <i>Department</i> ) _____	Agricultural production # _____
<input type="checkbox"/> State or local government ( <i>Name</i> ) _____	<input type="checkbox"/> Industrial production/manufacturing # _____
<input type="checkbox"/> Tribal government ( <i>Name</i> ) _____	<input type="checkbox"/> Direct pay permit # _____
<input type="checkbox"/> Foreign diplomat # _____	<input type="checkbox"/> Direct mail # _____
Charitable organization # _____	<input type="checkbox"/> Other ( <i>explain</i> ) _____
Religious organization # _____	<input type="checkbox"/> Educational organization # _____
<input type="checkbox"/> Resale # _____	

*I declare that the information on this certificate is correct and complete to the best of my knowledge and belief.*

Signature of Authorized Purchaser	Title
Print Name Here	Date



## Certificate of Exemption Instructions

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***Use this form to claim exemption from sales tax on purchases of taxable items. The purchaser must complete all fields on the exemption certificate and provide the fully completed certificate to the seller in order to claim exemption.***

**Warning to purchaser:** You are responsible for ensuring that you are eligible for the exemption you are claiming. You will be held liable for any tax and interest, and possibly penalties imposed by the member state due the tax on your purchase, if the purchase is not legally exempt.

### **Purchaser instructions for completing the exemption certificate:**

**1. Multistate Supplemental Form** - Some purchasers may wish to complete a single certificate for multiple states where they conduct business and, regularly, make exempt purchases from the same seller. If you do, check the box on the front of the SSUTA Certificate of Exemption to indicate that you are attaching the Multistate Supplemental form.

**CAUTION:** Certificates completed with a multistate supplement may include non-member states of the Streamlined Sales Tax Governing Board, provided those states have agreed to accept the SSUTA Certificate of Exemption. Both sellers and purchasers MUST BE AWARE that these additional non-member states may not have adopted the SSUTA provisions for Direct Mail. Additionally, completion of this certificate in its entirety may not fully relieve the seller from liability unless non-member states' requirements have been met.

If you are not attaching the Multistate Supplemental form, enter the two-letter postal abbreviation for the state under whose laws you are claiming exemption. For example, if you are claiming an exemption from sales or use tax imposed by the state of North Dakota, enter "ND" in the boxes provided. If you are claiming exemption for more than one member state, complete the SSUTA Certificate of Exemption: Multistate Supplemental form.

**2. Single or Recurring Use** - Check the box if this exemption certificate is being used for a single purchase and enter the invoice or purchase order number for the transaction.

If this box is not checked, the certificate of exemption will be treated as a blanket certificate for recurring purchases. A blanket certificate will continue to be valid as long as the purchaser is making recurring purchases (at least one purchase within a period of twelve consecutive months) or until cancelled by the purchaser.

**3. Purchaser Information** - Complete the purchaser and seller information section. Include your or your business' state tax identification number and identify the state that issued it to you.

For North Dakota resale transactions, the purchaser's tax identification number will be the sales and use tax permit number issued to you or your business by the North Dakota Office of State Tax Commissioner. For purchases made by a North Dakota exempt entity, the purchaser's tax identification number will be the North Dakota Sales Tax Exemption Number (E-0000) issued to them by the North Dakota Office of State Tax Commissioner.

If you do not have a state tax identification number, enter the Federal Employer Identification Number (FEIN) issued to your business, or if no FEIN is required, enter your personal driver's license number and the state in which it is issued. Foreign diplomats and consular personnel must enter the individual tax identification number shown on the sales tax exemption card issued to you by the United States Department of State's Office of Foreign Missions.

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**4. Purchaser's Type of Business** - Check the box that best describes your business or organization. If none of the categories apply, check "Other" and provide a brief description.

**5. Reason for Exemption** - Check the exemption that applies to you or your business and enter the additional information requested for that exemption. If the member state that is due tax on your purchase does not require the additional information requested for the exemption reason checked, enter "N/A" for not applicable on the exemption line. If an exemption that is not listed applies, check "Other" and enter a concise explanation.

- **Federal government** must enter the department name. The vendor must retain documentation to show the purchase was paid from government funds. A purchase is taxable when paid in cash or made by an employee who is reimbursed by government funds.
- **State or local government** agencies or any political subdivisions must enter their name. The vendor must retain documentation to show the purchase was paid from government funds. Purchases are taxable when paid in cash or made by an employee who is reimbursed by government funds.
- **Tribal government** agencies, instrumentalities or political subdivisions providing essential government services must enter their name. Tribal business entities or agencies with a primary purpose of operating a business enterprise may not use this exemption.
- **Foreign diplomats** must enter the number from your identification card.
- **Charitable organizations** (501(c)(3) income tax-exempt organizations) that do not hold a North Dakota Sales Tax Exemption Certificate number are not exempt from sales tax.
- **Religious organizations** are not sales tax exempt on purchases other than Bibles, hymnals, prayer books and textbooks.
- **Resale** - Vendors purchasing for resale must enter their sales tax permit number.
  - o The purchase of products for use by the business or employees (not for resale) are NOT exempt from North Dakota sales tax.
- **Agricultural production** equipment, that qualifies as used farm machinery, farm machinery repair parts, used irrigation equipment and irrigation repair parts, is exempt from sales tax when used exclusively for agricultural purposes. A retailer choosing to have a signature from a farmer making these purchases may circle this reason and have the farmer sign the certificate. North Dakota does not issue a number for this purpose and it is not required under state law, but a retailer may use it as a condition of sale.
- **Industrial production/manufacturing** businesses must enter their sales tax permit number. Purchases of tangible personal property that are consumed and do not become a component of the final product are not exempt from sales tax.
- **Direct pay permit** holders must enter their direct pay permit number. A direct pay permit holder may purchase tangible personal property without paying sales tax and remit use tax directly to the state. Services and installations of tangible personal property to real property are not eligible for this exemption.
- **Direct mail** purchasers may enter their direct pay permit number, sales tax permit number or federal employer identification number to exempt direct mail purchases from sales tax. The purchaser must remit the appropriate use tax.
- **Other** - If an exemption is not listed, check the box and enter a concise explanation.
  - o Hospitals, nursing facilities, intermediate or basic care facilities, and emergency medical service providers licensed by the North Dakota Department of Health, or assisted living facilities licensed by the North Dakota Department of Human Services must enter their North Dakota Sales Tax Exemption Certificate number (E-0000).
  - o Purchases must be paid for directly from the exempt entity by check, credit card or purchase order. Purchases are taxable when payment is made by cash or by an employee who is reimbursed by the exempt entity.

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- o If an exemption letter (e.g., manufacturing exemption or ag processing facility exemption) has been issued by the North Dakota Office of State Tax Commissioner, enter the Letter Reference number from the letter.
- o Contractors must enter their sales and use tax permit number to purchase materials exempt from sales tax. The contractor must remit the appropriate use tax.
- **Educational organizations**, including public and private non-profit elementary schools, secondary schools, or any other institutions of higher learning, must enter their North Dakota Sales Tax Exemption Certificate number (E-0000).
  - o Preschool organizations, religious schools, and other educational organizations that do not hold a North Dakota Sales Tax Certificate of Exemption number are not exempt from sales tax.
  - o Purchases must be paid for directly from the educational organization by check, credit card or purchase order. Purchases are taxable when payment is made by cash or by an employee who is reimbursed by the educational organization.

**Multistate purchasers:** Enter your headquarters address as your business address. Attach the *Certificate of Exemption – Multistate Supplemental* form and indicate the applicable reason for the exemption and the identification number (if required) for each additional state in which you wish to claim exemption from tax.

**CAUTION:** The exemptions listed are general exemptions most commonly allowed by member states. However, each state's laws governing exemptions are different. Not all the reasons listed may be valid exemptions in the state in which you are claiming exemption. In addition, each state has other exemptions that may not be listed on this form. To determine what sales and use tax exemptions are allowed in a particular state, refer to the state's website or other information available relating to that state's exemptions.

### **Seller instructions for accepting the exemption certificate:**

You are required to maintain proper records of exempt transactions and provide those records to member States of the Streamlined Sales Tax Governing Board, when requested. These certificates may be provided in paper or electronic format. If a paper exemption certificate is not forwarded by the purchaser, but instead data elements required on the form are otherwise captured by the seller, the seller must maintain such data and make it available to member states in the form in which it is maintained by the seller.

You are relieved of the responsibility for collecting and remitting sales tax on the sale or sales for which the purchaser provided you with this exemption certificate, even if it is ultimately determined the purchaser improperly claimed an exemption, provided all the following conditions are met:

- 1) All fields on the exemption certificate are completed by the purchaser or the required information is captured and maintained;
- 2) The fully completed exemption certificate (or the required information) is provided to you at the time of sale or as otherwise provided by Section 317 of the SSUTA;
- 3) If the purchaser is claiming an entity-based exemption (i.e., an exemption based on who the purchaser is, such as a hospital or nursing home), the state that would otherwise be due the tax on the sale allows the specific entity-based exemption claimed by the purchaser if the purchase was made at a sale location operated by the seller within that state;
- 4) You do not fraudulently fail to collect the tax due; and
- 5) You do not solicit customers to unlawfully claim an exemption.